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Filing date: **06/16/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91176791
Party	Defendant MATTEL, INC.
Correspondence Address	Lawrence Y. Iser, Esq. Kinsella Weitzman Iser Kump & Aldisert LLP 808 Wilshire Blvd., Suite 300 Santa Monica, CA 90401 UNITED STATES CFitzgerald@kwikalaw.com
Submission	Testimony For Defendant
Filer's Name	Chad R. Fitzgerald
Filer's e-mail	cfitzgerald@kwikalaw.com
Signature	/crf/
Date	06/16/2009
Attachments	Ferrara.pdf (77 pages)(4534972 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 78/751,105
Published for Opposition in the OFFICIAL GAZETTE on December 12, 2006

UMG RECORDINGS, INC. Opposition No.: 91176791

Opposer

v.

MATTEL, INC.

Applicant

TRIAL DECLARATION OF LAWRENCE FERRARA, Ph.D.

LAWRENCE FERRARA, Ph.D., declares under penalty of perjury as follows:

1. I am Professor of Music and Director of Music and Performing Arts at The Steinhardt School at New York University. I hold a Ph.D. in Music from New York University. My Curriculum Vitae and Rule 26 Disclosure are attached as **Exhibit A.** I have been retained by Mattel, Inc. as a musicologist in this opposition proceeding.

2. On the basis of my musicological research it is my opinion that the term "Motown" refers both to a record company and more broadly is used as a descriptive term for a musical style or genre that extends beyond the Motown record company. In addition, numerous recording artists and performers are associated with the Motown style but did not record on the

Motown Record label. My research findings are consistent with the "Motown" entry in *The New Grove Dictionary of Music and Musicians*. Therein, the first sentence bifurcates reference to the record company from the musical style:

> **Motown.** American record company specializing in black soul music; the name is the registered trademark of the company but has also come to be used as a descriptive term for the associated musical style. (Volume 17, p. 229, ©2001. The entire entry is attached as **Exhibit B.**)

"MOTOWN" AS A MUSICAL STYLE

3. There are countless uses of the term "Motown" in which it is associated with a musical style or genre. In order to facilitate the reading of this section of my Declaration, the following citations are correlated with their sources by identifying the exhibit in which the source is attached.

4. **Exhibit C.** In the book *Popular Music and the Underground*, "Motown" is used as a musical style or genre along with Rock and R&B as follows:

> Rock, Motown, and R&B might have dominated the charts and the airwaves but there was always room for Sinatra to hit with "Strangers in the Night" or "Something Stupid" and Dean Martin to score with "Memories Are Made of This" or "Julie Do You Love Me." (p. 331, © 1996)

5. **Exhibit D.** In an article in the scholarly journal *American Sociological Review*, "Motown" is listed with multiple other musical styles or genres as follows:

> Possible examples of innovation include rave, techno, acid jazz, grunge, rap, house, New Age, disco, funk, punk, acid rock, Motown, big beat, folk-rock, soul, rockabilly, do-wop, bop, torch, swing, etc. (p. 176, © 1996)

6. **Exhibit E.** In an article in the scholarly journal *Black Music Research Journal*, "Motown" is listed with funk as a musical style as follows:

> This model – highly produced instrumental music based upon 1970[']s black popular styles like Motown and funk – became the

standard for many of CTI's subsequent recordings, and it would continue to develop alongside those genres. (p. 6, © 2008)

7. **Exhibit F.** In a review in the *Star Tribune*, a Minneapolis newspaper, "Motown" is listed with multiple other musical styles or genres as follows:

> Musical director Andrew Cooke brings to life composer Jeanine Tesori's gorgeous music, a gumbo of gospel and classical, klezmer, Motown and R&B. (p. 2, © 2009)

8. **Exhibit G.** In a review in the *New York Amsterdam News*, "Motown" is used interchangeably with "rhythm and blues" as follows:

> Joe Cuba's Sextet became popular in the New York Latino community precisely because it fused a bilingual mix of AfroCaribbean genres blended with the popular urban rhythm and blues of its time, creating a musical marriage between the Fania and Motown sound. (p. 1, © 2009)

9. **Exhibit H.** In the "Coolsoundz" mobile disco website, "Motown" is listed with multiple other musical styles or genres as follows:

> We play the best in R'n'B, Pop, Rock, Dance, Funk, Salsa, Soca, Reggae, Dancehall, Bhangra, Hip-Hop, Bollywood, Zouk, Highlife, Kizomba, Reggaeton, Makossa, Afro beats, Motown, and much more. (p. 1, © 2009)

10. **Exhibit I.** In the "Samhillbands.com" website under "Book or Hire a Band," "Motown" is listed with other musical styles or genres as follows:

> Motown, Soul, Oldies, Beach, Variety (p. 1, © 2003-2007)

11. **Exhibit J.** In a *Billboard* magazine review of a CD release by Ben Harper, "Motown" is used as a musical style or genre as follows:

> The Eastern-flavored, feel-good single "Better Way" opens disc one, which mixes Motown funk with orchestra ("Black Rain," a reaction to Hurricane Katrina), a demo-ish Rolling Stones parody ("Please Don't Talk About Murder While I'm Eating") and smoky bar swing ("The Way You Found Me"). (p. 1, © 2006)

NON-MOTOWN RECORD LABEL ARTISTS REFERRED TO AS PERFORMING OR COMPOSING IN THE MOTOWN MUSIC GENRE OR STYLE

12. **Exhibit K**. The title of a biography of Aretha Franklin is *Aretha Franklin: Motown Superstar*. (© 1996) However, Aretha Franklin was never signed to the Motown Record label. She was signed to Columbia, Atlantic, and Arista.

13. **Exhibit L**. In a review in the *Birmingham Mail* (United Kingdom), Tina Turner is refereed to as a "Motown legend." Tina Turner was never signed to Motown Records. She was signed to Capitol, EMI, Parlophone, and Virgin.

> Surrounded by four scantily-clad dancers, she'd managed to bring the arena's crowd to its feet and the party was in full swing by the time the Motown legend moved onto the soul spectacular River Deep. (p. 1, © 2009)

14. **Exhibit M**. In a news release in *The Blade* from Toledo, Ohio about a concert series, Aretha Franklin is listed as a Motown artist but as noted above, she was never signed to Motown Records. In addition, "Motown" is used as a musical style in the news release as follows:

> The early Motown music of Stevie Wonder, Aretha Franklin, Marvin Gaye and Smokey Robinson will be featured, and the three emerging artists will share stories and talk about the influence Motown had on their work. (p.1, © 2009)

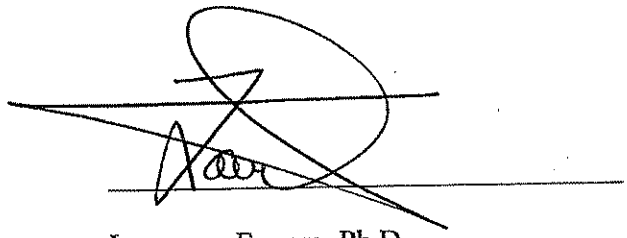
15. **Exhibit N**. In a review of the musical *Little Shop of Horrors* (in the *Orange County Register* in Santa Ana, California), the reviewer ascribes the Motown genre or style to original songs written for the musical. However, the original songs were not recorded on Motown records and were not written by a Motown record company composer. The songs in *Little Shop of Horrors* were composed by Alan Menken (with lyrics by Howard Ashman).

> Ashman and Menken retained that tone and added early '60s doo-wop and Motown music of their own.... (p. 1, © 2008)

CONCLUSIONS

16. While Motown is known as a record company, from a musicological perspective it is also widely known and regarded as a descriptive term for a musical style or genre that extends beyond the Motown record company.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on June 10, 2009, at New York, New York.



Lawrence Ferrara, Ph.D.

VISUAL

EXHIBIT

A

LAWRENCE FERRARA, Ph.D.
PROFESSOR AND DIRECTOR
THE STEINHARDT SCHOOL
MUSIC AND PERFORMING ARTS PROFESSIONS
NEW YORK UNIVERSITY
35 WEST FOURTH STREET/SUITE 777
NEW YORK, NY 10012
tel. (212) 998-9412 e-mail lawrence.ferrara@nyu.edu

Educational Background

B.A. Music	Montclair State University
M.M. Piano/Music History	Manhattan School of Music
Ph.D. Music Theory & Analysis/Piano	New York University

Teaching Background

1979-84	Assistant Professor	New York University
1984-92	Associate Professor	New York University
'92-present	Professor	New York University
'95-2006	Department Chair	New York University
2006-	Director	New York University

Selected Professional Activities

New York:	2008, invited music copyright expert presentation at Columbia Law School, class on Federal Courts Litigation: Trademark and Copyright
Denmark:	2007, interviewed in documentary film on music copyright (*Copy Good, Copy Bad*)
Ireland:	2007, interviewed on Irish radio regarding music copyright
New York:	2007, Opening and Closing Speaker for a Conference co-sponsored by The New York Philharmonic and the Finnish Consulate on Music Learning and Performance in Finland

New York: 2006, invited panelist at the CMJ Conference at Lincoln Center regarding music copyright

New York: 2006, invited panelist at the Remix Conference regarding music copyright

New York: 2006, invited presentation to the New York Institute for the Humanities regarding music copyright

New York: 2006, invited Keynote Address for The Mastery of Music Teaching Conference sponsored by The Metropolitan Opera Guild and The New York Philharmonic

Washington D.C.: 2005, invited panelist/presenter at the Future of Music Policy Summit regarding music copyright

New York: 2005, invited group discussion leader at the United Nations regarding rhythm in music of multiple cultures as part of the U.N.'s World Summit on the "Information Society" and the United Nations Information and Communications Technology Task Force

Cambridge: 2005, invited panelist/presenter at Harvard Law School's Berkman Center, national conference regarding technology and intellectual property

New York: 2005, invited music copyright expert presentation at Columbia Law School, class on Federal Courts Litigation: Trademark and Copyright

L.A.: 2005, invited lecture regarding music copyright in Los Angeles for NYU Alumni event

Orlando: 2005, invited lecture regarding music copyright in Orlando, Florida for an NYU Alumni event

Hawaii: 2004, invited workshop presentation and session chair regarding methodology inherent in the analysis of a J. S. Bach organ prelude for the International Conference on Arts and the Humanities

Norway: 2003, invited series of lectures on music theory and analysis co-sponsored by the Music Theory and Composition Departments of the Norwegian Music Academy and the Department of Philosophy of the University of Oslo

New York: 2001, invited chair of a panel at The United Nations regarding "Music within a Global Context."

Pianist	Performed solo recitals and performances as accompanist and soloist in the United States and Europe as well as solo performances on radio and television. Recordings for Orion Master Recordings and Musique International. In previous years, pianist for musical theatre shows, the New Jersey State Opera, accompanist to internationally acclaimed singers, and session pianist in pop styles.

Awards

1972	Stoekel Fellowship, Yale University Graduate School of Music, Chamber Music
1985	Presidential Research Fellowship, NYU
1988	Federal Grant for Research
1989	Federal Grant for Research renewed
1996	Daniel E. Griffiths Award for work regarding Arthur Schopenhauer's theory of music published by Cambridge University Press, 1996.

Professional Organizations

American Musicological Society

American Society for Aesthetics and Art Criticism

College Music Society

Husserl Circle

Music Educators National Conference

Music Teachers National Association

New England Conference of Music Theorists

New York State Association of College Music Programs

New York State, Schools of Music Association

Percussive Arts Society

Sinfonia

Society for Music Theory

Publications: Books

Ferrara, Lawrence	***Philosophy and the Analysis of Music: Bridges to Musical Sound, Form and Reference.*** **(Greenwood Press) 1991.**
Ferrara, Lawrence and Kathryn E. Ferrara	***Keyboard Harmony and Improvisation.*** **(Excelsior Music Publishers) 1986.**
Phelps, Roger, Lawrence Ferrara and Thomas Goolsby	***Guide to Research in Music Education,*** **Fourth Edition. (Scarecrow Press) 1993.**
Phelps, Roger, Lawrence Ferrara, *et al*	***Guide to Research in Music Education,*** **Fifth Edition. (Scarecrow Press) 2005.**

Publications: Articles (since 1995)

"Hermeneutic Issues in Qualitative Research," *Philosophy of Music Education Review,* Vol. 3, Number 1, 1995, 10-20.

"Phenomenology in Music," with Betsy Behnke, *Encyclopedia of Phenomenology,* Lester Embree, ed., Dordrecht, The Netherlands: Kluwer, 1997, 467-473.

"Schopenhauer on Music as the Embodiment of Will," *Schopenhauer, Philosophy, and the Arts*, Dale Jacquette, ed., Cambridge, England: Cambridge University Press, 1996, 183-199.

Courses Taught at NYU

Aesthetic Foundations of the Arts: for Ph.D. students

Aesthetic Inquiry: for Ph.D. students

Arts Heritage and Criticism: for M.M. students

Contemporary Music: for M.M. students

Dissertation Proposal Seminar: for Ph.D. students

Form and Analysis: for B.M. students

Keyboard Harmony and Improvisation: for B.M. students

Music Criticism: for M.M. students

Music in the Classic Era: for M.M. students

Music History II, Baroque and Classic Periods: for B.M. students

Music History III, 19th Century Music: for B.M. students

Music History IV, Music in the 20th and 21st Centuries: for B.M. students

Music Performance Practices: for M.M. and Ph.D. students

Music Reference and Research Methods: for M.M. and Ph.D. students

Music Theory: for B.M. students

Performing Arts in Western Culture: for B.M. students

Seminar in Music Theory and Analysis: for M.M. and Ph.D. students

Music Copyright

A music expert in music copyright infringement issues providing opinions for plaintiffs and defendants.

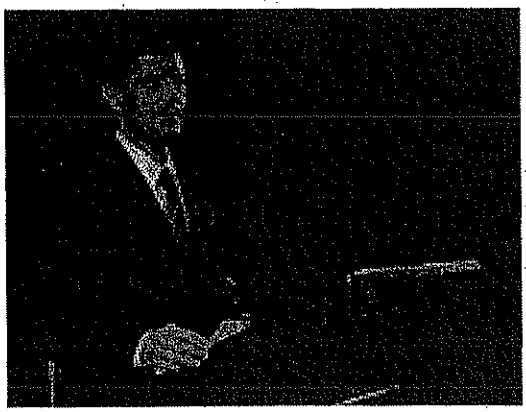
Deposition and Trial Testimony in last four years:

(1) Lassin *et al* v. Island Def Jam Music Group *et al* in 2005; (2) Bridgeport v. Bad Boy Entertainment et al in 2006; (3) Pyatt v. Jean *et al* in 2006; (4) Rondor Music International *et al* v. TVT Records in 2006; (5) BMS Entertainment v. Bridges *et al* in 2006; (6) Frost *et al* v. Bridges *et al* in 2006; (7) TVT Music v. Slip N' Slide Records *et al* in 2006; (8) Lil' Joe Wein Music v. Jackson *et al* in 2006; (9) Bourne Music v. 20th Century Fox *et al* in 2008, (10) Pyatt v. Jean *et al* in 2008; (11) Lester v. U2 Limited, *et al* in 2009 and (12) Lessem v. Taylor *et al* in 2009.

Fee rate for professional services:

- $325 per hour for research related activities and meetings plus any travel-related expenses
- $400 per hour for deposition and trial testimony plus any travel-related time and expenses

NYUSteinhardt



Music and Performing Arts Professions
Dr. Lawrence Ferrara
Professor and Director

Music Theory,
Piano,
Research Methods,
Music Copyright

Lawrence Ferrara, pianist, music theorist with expertise in music copyright. Piano studies with Gustave Ferri, Genia Robinor, Murray Present, Robert Goldsand, and Donald Currier. Chamber Music with Artur Balsam and Raphael Bronstein. Recordings for Orion Master Recordings and Musique International. Performances throughout North America and Europe including radio and television. Reviews by New York Times and other newspapers. Author and/or co-author of three books and numerous contributions to American and foreign journals on music theory, keyboard harmony and improvisation, philosophy of music, aesthetics, research methodologies, music education, and medical issues for musical performers. For example, *A Guide to Research in Music Education* (written with Roger Phelps) has been a standard text used throughout North America and enjoyed a Fifth Edition released in 2005.

Regarding Dr. Ferrara's critically acclaimed book, *Philosophy and the Analysis of Music: Bridges to Musical Sound, Form and Reference*, reviewers have written:

• "He brings to this enterprise an accomplished analytical technique...In a tour de force, Ferrara leads us through Bartok's Improvisation No. 3 Opus 20 in an eclectic analysis par excellence...the writing and presentation are often quite brilliant, i.e., lucidly conceived and written with distinct literary skills...I think this is the great merit of Ferrara's method: he works from within both the musical and philosophical experience and is expert in both." (F. Joseph Smith, founding editor-in-chief of *The Journal of Musicological Research*);

• "One could read the chapters on phenomenology and hermeneutics, nearly a third of the book, and benefit from Ferrara's unusual ability to explain a difficult tradition in modern philosophy...One could read the chapters on referential meaning and the phenomenological analysis of music and gain an excellent sense of the issues and contributions in these areas...for his expositions are invariably clear, comprehensive, and judicious...that Ferrara undertakes all these methodically and in detail testifies to the seriousness of his undertaking and that he does it so well reveals the unusual breadth of his competence." (Arnold Berleant, review in *The Canadian Review of Philosophy*);

• "Lawrence Ferrara is a consummate philosopher who brings to his philosophizing both the special interpretive skills of the performer and those of the musicologist...The outcome is an excellent study, pioneering in the best sense and

rewarding." (Jose Huertas-Jourda, Department of Philosophy, Wilfred Laurier University, review in the journal, *Phenomenology and the Human Sciences*);

• "Ferrara's book represents a truly exemplary case, from more than one perspective...The air that one breathes throughout this book is that of a new synthesis that would harmonize sense and technique...here there is a characteristic depth of discussion and thorough attention to the critical traditions that engage each successive issue as it appears. This demonstrates a rarely seen competence on both the musicological and philosophical planes...conclusively confirming the merits of Lawrence Ferrara's text...." (Giovanni Piana, Department of Philosophy, University of Milan, written in Italian in the journal, *Axiomathes*);

• "Ferrara's book is bold and scholarly...Its range and its quality are impressive...It is rich in its references. It is a very good book." (Thomas F. Cloonan, review in *Journal of Phenomenological Psychology*)

At NYU, Dr. Ferrara has been The Director of Music Performance Programs and later, Director of Doctoral Studies of Steinhardt Music and Performing Arts. Since 1995 he has been Chair and Director leading 300 faculty and over 1,500 students who major in bachelors, masters and doctoral programs in music and the performing arts professions.

Dr. Ferrara sits on the Editorial Board of the journals, *Arts Praxis* and *Music and Moving Image*, was Associate Editor of *Journal of Qualitative Evaluation in the Arts*, and a member of the editorial board *New York University Education Quarterly*. He has been co-P.I. on federal and foundation grants for research in performing arts medicine. He was Vice President and co-founder of MedArt International, a non-profit federation of physicians and artists fostering research that bridges the arts to medicine. He is a member of the Advisory Board of the Music Business Department at Loyola University, New Orleans. Dr. Ferrara was a winner of a Presidential Fellowship and the Daniel E. Griffiths Award for research, the latter regarding his work on Schopenhauer's philosophy of music (published 1996, Cambridge University Press).

Dr. Ferrara is an active music copyright consultant for all major record, music publishing and motion picture companies as well as numerous independent companies in issues involving numerous composer/artists including: Andrew Lloyd Webber, Paul McCartney, Elton John, Billy Joel, Bob Dylan, Gloria Estefan, Paul Simon, Jay Z, Eminem, Dr. Dre, Prince, Bruce Springsteen, Madonna, Janet Jackson, Sean Combs, Ludacris, Mariah Carey, Britney Spears, Michael Jackson, Missy Elliott, 50 Cent, Wyclef Jean, (the late) James Brown, Marc Anthony, Hillary Duff, (the late) Notrious B.I.G., DMX, Alicia Keys, Ice-T, (the late) Luther Vandross, Enrique Iglesias, Tom Petty, (the late) Tupac, Shania Twain, Toby Keith, Merle Haggard, Mary J. Blige, Mtume, Usher, and Jennifer Lopez as well as numerous groups such as 3 Doors Down, Nirvana, Beastie Boys, Lil' Jon & The East Side Boyz, N'Sync, Filter, U2, Wu Tang, Train, Real McCoy, SWV, Linkin Park, and War.

35 W. 4th Street, Suite 777 - New York, NY 10012 - Phone 212 998 5430

VISUAL

EXHIBIT

B

THE NEW GROVE

Dictionary of Music and Musicians

SECOND EDITION

Edited by

Stanley Sadie

Executive editor

John Tyrrell

VOLUME 17

Monnet to Nirvana

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Reprinted 1890, 1900

Second Edition, edited by J. A. Fuller Maitland, in five volumes, 1904–10

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Fourth Edition, edited by H. C. Colles, in five volumes, with Supplementary Volume, 1940

Fifth Edition, edited by Eric Blom, in nine volumes, 1954; with Supplementary Volume 1961
Reprinted 1961, 1973, 1975

American Supplement, edited by Waldo Selden Pratt, in one volume, 1920
Reprinted with new material, 1928; many later reprints

The New Grove Dictionary of Music and Musicians™ first edition
edited by Stanley Sadie in twenty volumes, 1980
Reprinted 1981, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995
Reprinted in paperback 1995, 1996, 1997, 1998

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Mendelssohn's op.119 and Paganini's *Allegro d concert* op.11 for violin and orchestra. There are many others for which the exhibition of a performer's digital agility seems the sole justification.

The quality of perpetual (not necessarily rapid) movement has, however, always been a resource capable of yielding valuable results. The continuous forward momentum of many Baroque movements is due to the relentless persistence of a *Gehende-bass* ('walking bass'). Continuous movement is implied in the character of dances like the tarantella, and may justifiably be employed to achieve brilliance in forms like the toccata (e.g. Schumann's op.7) or in the finale of a larger work (e.g. Haydn's String Quartet op.64 no.5). It is used in Chopin's B♭ minor Piano Sonata op.35 to achieve a close of feverish brilliance; Chopin often used effects of perpetual motion in his studies. In song accompaniments, far from being a purely mechanical device, it may appropriately reflect the mood of the verse. The desperation in Schubert's *Erstarrung* (*Winterreise*, no.4) is achieved partly through such means; the momentary cessations of movement in his settings of *Erlkönig* and *Gretchen am Spinnrade*, and in the finales of Beethoven's piano sonatas op.26, op.31 no.3 and op.54, sensitively articulate the design of movements all of which rely heavily on the device of *moto perpetuo*. Johann Strauss the younger wrote his well-known *Perpetuum mobile* op.257 as a 'musikalischer Scherz' ('musical joke').

MICHAEL TILMOUTH

Motown. American record company specializing in black soul music; the name is the registered trademark of the company but has also come to be used as a descriptive term for the associated musical style. The company was founded by BERRY GORDY in Detroit ('motor town': hence the name) in 1959 as Tamla Records, the Motown imprint following in 1961. Subsequent subsidiary labels to Motown included Gordy (1962), Soul (1964), VIP (1964), Rare Earth (1969) and Black Forum (1970). Gordy himself trained all the early songwriters and producers in an attempt to reach both black and white audiences, and quickly achieved hits with the Miracles, the Marvelettes, Mary Wells and Martha and the Vandellas. By 1963 Motown's sales of singles in the USA were exceeded only by RCA and CBS, and soon such artists as Marvin Gaye, the Supremes, Stevie Wonder, the Temptations, the Four Tops and Junior Walker and the All-Stars had been built into superstars.

Motown's distinctive sound developed from a policy of using the same teams of songwriters and producers, the same musicians and the same studio for virtually every recording. Although there was a fair degree of latitude in the realization of this sound from artist to artist, there were a number of important general characteristics. While the basic pulse was always articulated by a variety of instruments (sometimes aided by handclaps and foot stamping rooted in gospel music) and featured prominently in the mix, the backbeat was often minimized. The lead instrument was commonly a non-rock or rhythm and blues instrument such as a bassoon, english horn or vibraphone. The production tended to emphasize the lead singer in the mix with the instrumental accompaniment, blended in a fashion clearly influenced by the dense 'wall of sound' productions of Phil Spector. The high end of the sound register was often favoured as were composite timbres frequently produced by combining up to four sound sources. James Jamerson's bass lines were more tonally developed (involving a high level of chromaticism and passing notes) than many of the time. Lyrics tended to be rich in internal rhyme, alliteration, metaphor and other poetic devices, and songs tended to have multiple hooks.

In 1971 Motown moved to Los Angeles in order to expand into films and enjoyed continued success with Gaye and Wonder, as well as the Commodores, the Jackson 5, Rick James and Lionel Ritchie. However the relocation contributed to the company's losing its focus and consequently, as performers recorded in whatever style was popular at the time, its characteristic sound. In 1988 Gordy sold Motown to MCA records.

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G. Hirshey: *Nowhere to Run: the Story of Soul Music* (New York, 1984)
N. George: *Where did our Love Go? The Rise and Fall of the Motown Sound* (New York, 1985)
D. Waller: *The Motown Story: the Inside Story of America's most Popular Music* (New York, 1985)
J.R. Taraborelli: *Hot Wax, City Cool and Solid Gold: Motown* (New York, 1986)
S. Davis: *Motown: the History* (London, 1988)
B. Fong-Torres: *The Motown Album* (New York, 1990)
R.G. Singleton: *The Untold Story: Berry, Me, and Motown* (Chicago, 1990)
B. Gordy: *To Be Loved: the Music, the Magic, the Memories of Motown* (New York, 1994)

ROB BOWMAN

Motsev, Alexander (*b* Lom, 16 Oct 1900; *d* between Lom and Sofia, 24 Dec 1964). Bulgarian music folklorist. He studied music theory with Dobri Khristov and music history, education and aesthetics with Stoyan Brashovanov at the State Music Academy in Sofia, where he graduated in 1925. From 1925 to 1938 he taught music at the gymnasium in Lom; he also produced a dozen operettas and operas (including Gluck's *Orfeo* and Flotow's *Martha*) with an amateur company and formed an amateur choir which gave concerts in Romania and Yugoslavia. In 1938 he moved to Sofia, where he taught as a school music teacher, and from 1942 until 1945 he studied musicology with Erich Schenk in Vienna. On his return he taught in the same Sofia Gymnasium and, for a short time, music history and solfège at the Sofia Music School. Until 1956 he worked as adviser for the Central House of Folk Art in Sofia. He died in a car accident.

WRITINGS

Ritam i takt v balgarskata narodna muzika [Rhythm and metre in Bulgarian folk music] (Sofia, 1949)
Rabota nad ispalnenieto i agogikata na pesenta [Work on the performance and accentuation of song] (Sofia, 1953)
Balgarskata narodna muzika [Bulgarian folk music] (Sofia, 1954)
'Taktovete's hemiolno udalzheni vremena v zapisite na balgarskite folkloristi' [Types of bars with hemiola lengthening in the notation of Bulgarian folklorists], *IIM*, ii–iii (1956), 319–50 [incl. Russ. and Fr. summaries]
Kharakterni ritmi v tvorchestvoto na balgarskite kompozitori [Characteristic rhythms in the works of Bulgarian composers] (Sofia, 1957)
Ornamenti v balgarskata narodna muzika [Ornaments in Bulgarian folk music] (Sofia, 1961)
'Struktura i formi na balgarskite narodni pesni' [Structures and forms in Bulgarian folk songs], *IIM*, xv (1970), 5–95
Numerous articles on folk music and education

LADA BRASHOVANOVA

Motta, José Vianna da. *See* VIANNA DA MOTTA, JOSÉ.

VISUAL

EXHIBIT

C

Popular Music
and the
Underground
Foundations of Jazz, Blues, Country, and Rock, 1900-1950

Chuck Mancuso

Co-Editors: Dave Lampe and Reg Gilbert
Design and Layout: Chuck Mancuso and Christine Szeluga
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Cover design and layout by Dave Meinzer. All of the pictures on the cover, courtesy of the Frank Driggs Collection–artists on the front cover, clockwise from top right corner are: Amos Milburn, Tommy Dorsey, Louise Massey the Westerners, Charlie Parker and Dizzy Gillespie, Lil Green, Bing Crosby and guitarist Eddie Lang.

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Chapter 10

REVIVAL OF 1930s AND 1940s

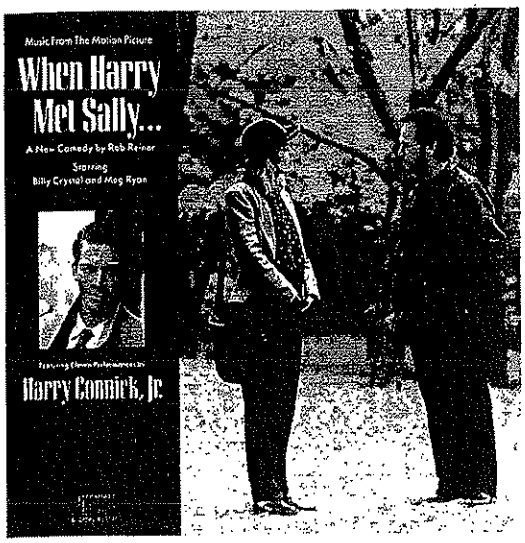
Courtesy Manhattan Rhythm Kings

The Manhattan Rhythm Kings as a human keyboard, played by Tony-Award-winning choreographer-director-entertainer Tommy Tune. One of the key ingredients of revival of 1930s and 1940s music is not only an awareness of the songs and dances of the past by performers of today, but also a bow to the sophisticated "After Six" formal attire that was often favored. These stylistic dress elements offered an alternative to the pop outfits of the rockin' fifties, the hippie sixties, the disco seventies, the alternative eighties, and the grunge and rap ninties.

This chapter focuses on contemporary artists linked by choice to the songs and styles of the 1930s and 1940s. Of all of the commercial music prior to the "Age of Rock" (post 1950s) none has been as re-worked and kept alive as that of "The Golden Age of Pop" (those classic standards from the 1920s to 1950). The majority of the music in this chapter, and the reigning visual style, reflected or eminated from the 1930s and 1940s—thus the choice of title. This chapter will reprise much of the music that has been covered in the previous two chapters. In some cases, such as those of Frank Sinatra and Ella Fitzgerald, it will update and put into perspective how entertainers from one era adapted to changes in the music industry. In other instances it will try to show how new talent, from the fifties to the nineties, was drawn to the sights and sounds of past eras. The performers fall into four general headings. The intent here is to give a broad overview of artists, primarily vocalists, who for various reasons have chosen to work within a past musical form. The first three categories, "jazz-pop," "creme de la creme cabaret," and "jazz-cabaret cult," are composed of singers whose careers have been inextricably bound to the standard song form. The fourth category, "camp nostalgia," presents contemporary, rock-oriented singers who used the music and fashion of an earlier time as a platform for their various projects.

The singers of all four categories focused their attention on the popular standards: songs composed between 1900 and 1950 by Irving Berlin, Jerome Kern, Cole Porter, George Gershwin, Richard Rodgers, Harold Arlen, and Harry Warren, among others. The dates and composers reflect the milestone analysis of composer-historian **Alec Wilder** (1907-1980) in his book *American Popular Song: The Great Innovators, 1900-1950*. Alec Wilder was held in high esteem in the musical community for his adventurous classical compositions as well as popular songwriting from the 1930s through the 1980s. Wilder was also viewed as intellectually demanding, scholarly, and an indefatigable champion of high standards for music, be it classical or popular. Wilder's book examines with great insight and wit some eight hundred of the three hundred thousand American songs submitted for copyright in the first half of the century. Wilder's one oversight was that he did not include his own songs, which are highly valued and are included in the musical repertoires of many of the better cabaret and jazz vocalists.

American Popular Song was published in 1974 and no book has done as much to elevate the status of American songwriters of the Broadway theater and Hollywood film axis. Wilder's suggestion that the better works of Berlin, Gershwin, and some others could stand up to Bach and Mozart was revolutionary and eye-opening for many. Wilder's principles are both demanding and lofty: "I should make clear that my criteria are limited to the singing (melodic) line and include the elements of intensity, unexpectedness, originality, sinuosity of phrase, clarity, naturalness, control, unclutteredness, sophistication, and honest sentiment. Melodrama, cleverness, contrivance, imitativeness, pretentiousness, aggressiveness, calculatedness, and shallowness may be elements which result in a hit song but never in a great song."



Courtesy Sony Music

Nora Ephron goes to the movies. *When Harry Met Sally* was the key motion picture of the 1980s to cast the older songs ("Where or When," "Let's Call the Whole Thing Off," "Stompin' at the Savoy," "Autumn in New York," "But Not for Me," and others) as costar in a contemporary love story. The songs mirrored the emotions of a likeable/loveable couple (Billy Crystal and Meg Ryan) as they try to reconcile being best friends and lovers. In the movie Louis Armstrong and Ella Fitzgerald, among others, are heard singing in the background. When the soundtrack album was released, however, only vocals by young New Orleans pianist-turned-singer Harry Connick, Jr., appeared. Whatever the contract conflicts may have been for the use of other record companies' artists (if there was any conflict at all) the end result was that it catapulted Connick into the major leagues.

Nora Ephron, who wrote the film script, expertly directed by Rob Reiner, followed up in 1993 with a love story about a young father (Tom Hanks) whose storybook marriage ends abruptly with the sudden death of his wife. Seeking a new start away from the memories of her and the town they shared, he and his young son move to Seattle. One night the boy phones a radio call-in show and recounts the loss of the mother. Meg Ryan hears the show, is touched by the situation, and a long-distance love quest begins. Ephron decided to direct *Sleepless in Seattle* herself and the fuzzy-warm feelings of *When Harry Met Sally* continued in the new film. The songs again played costar to the protagonists. Gene Autry sings "Back in the Saddle Again" and the late vaudeville-comedian Jimmy Durante's sly, off-beat interpretations of "As Time Goes By" and "Make Someone Happy," provide atmosphere as Hanks gets back into the 1990s dating game. Most effective was the underscoring of "In the Wee Small Hours" during a late-night revelation experienced by Meg Ryan. Instead of using Frank Sinatra's version of the song (after all, his was the pentultimate cry of lost, lonely love on the first pop concept album back in 1955); the author-director chose instead to use Carly Simon's version. Some music critics chastised Ephron for choosing a "wannabe's" version over that of the master, but they missed the point. Ephron's choice of a female's yearning cry in the night was most appropriate for the situation. The soundtrack album for *Sleepless in Seattle*, unlike *When Harry Met Sally*, included the same versions of the songs that appeared in the film.

The long-standing musical war that began in the 1950s between post-swing pop and rock'n'roll was in some small way broken down by the artists in the camp nostalgia category, although during the democratic '60s (pre-1968), top 40 radio made room for everybody. Rock, Motown, and R&B might have dominated the charts and the airwaves but there was always room for Sinatra to hit with "Strangers in the Night" or "Something Stupid" and Dean Martin to score with "Memories Are Made of This" or "Julie Do You Love Me." And these records were not only on the same charts as The Beatles, Stones, and Supremes, but they were often played on the same stations. Also, a few performers such as Petula Clark, made a career out of selling big band swing (with a 1960s sensibility) to both teens and their parents. There was really nothing retro or nostalgic about any of this. By the late eighties and early nineties there were numerous examples of modern rock and soul performers delving into the vast repertoire of the "older standards." A couple of good examples of this are the concept albums *Stay Awake* (1988) and *Red, Hot and Blue* (1991).

Stay Awake, subtitled "Various Interpretations of Music From Vintage Disney Films," includes a number of extremely hip modern performers of classic songs from the films of Walt Disney: Sinead O'-Connor ("Someday My Prince Will Come"), Bonnie Raitt and Was Not Was ("Baby Mine"), Tom Waits ("Heigh Ho"), Los Lobos ("I Wan'na Be Like You",) James Taylor ("Second Star to the Right"), the Replacements ("Cruella DeVille"), and Betty Carter ("I'm Wishing"), among others.

Red, Hot and Blue brought together an eclectic mix of rock, soul and hip hop dance versions of Cole Porter's music, uniting such diverse artists as U2 ("Night and Day"), Deborah Harry and Iggy Pop ("Well, Did You Evah!"), Erasure ("Too Darn Hot"), Neneh Cherry ("I've Got You Under My Skin"), David Byrne ("Don't Fence Me In"), Lisa Stansfield ("Down in the Depths"), k.d. lang ("So in Love"), Aaron Neville ("In the Still of the Night") and Annie Lennox ("Everytime We Say Goodbye"), among others. Considering the mix of musical styles that occurred during the late 1980s and 1990s—rock'n'rollers doing tributes to bop pianist Thelonious Monk and composer Kurt Weill, the mix of rock stars on *The Glory of Gershwin*, and genre-breaking duet recordings like Frank Sinatra's—it's a wonder that young audiences haven't been attracted to more older artists than just Tony Bennett.

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REPLY TO ALEXANDER

MEASURING INDUSTRY CONCENTRATION, DIVERSITY, AND INNOVATION IN POPULAR MUSIC*

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We are delighted to have this opportunity to reflect on some important issues raised by researchers concerning our *ASR* article "Cycles in Symbol Production: The Case of Popular Music" (Peterson and Berger 1975). Contrary to the thinking then prevalent in economics, that innovation is most likely in oligopolistic industries (Schumpeter 1950), we found that the greater the competition in the popular music industry in a given year, the greater the innovation in the music. Analyses by Alexander (1996, henceforward Alexander) and other researchers prompt us to comment on the measure of concentration/competition, the measure of musical diversity, the difference between diversity and innovation, and the likely range of the positive relationship between industry competition and product innovation.

MEASURING CONCENTRATION

To measure the degree of control of the music industry held by a few firms we used the conventional four-firm concentration ratio, which gives the proportion of the market controlled by the top four firms. The concentration ratios depicted in Alexander's Figure 1 clearly show the over-time dynamic we projected in 1975. Studies of concentration in the music field continue to use either this measure, or a more sophisticated derivative (Carroll 1985) that measures the average market share of all firms (Rothenbuhler and Dimmick 1982; Burnett and Weber 1989; Burnett 1990; Dowd 1992; Lopes 1992; Schulze 1994; Christianen 1995; Alexander 1996).

These ratios are accurate measures of the concentration of musical product *ownership*, but, as we and others show, they are no longer good measures of the concentration of *creative* control (Lopes 1992; Anand and Peterson 1995; Dowd 1995). This is because the major firms, like Time/Warner, now have autonomous competing divisions (Time/ Warner currently has three), which, in turn, release popular music on numerous labels (Time/ Warner currently has 62).[1] Therefore, a more accurate index of creative control should be based not on the number of financially independent corporations but on the number of creatively independent divisions or labels that successfully compete in the market.

MUSICAL DIVERSITY

Like Dowd (1992, 1995), Alexander uses musical characteristics of hit songs to measure diversity. Unlike Dowd, however, Alexander takes his five measures from sheet music rather than from the hit record itself, arguing that sheet music is a blueprint for what is recorded. This may be an adequate assumption for the era up to 1955 (which Alexander does not study). At that time, bands generally recorded songs, reading from printed music charts. In the rock era, however, pop music increasingly has been composed while being recorded. If sheet music is published at all, it is produced *after* the song has become a hit (Tagg 1982).

Musicologists of popular music advise that *any* written transcription is an inadequate representation of a recording (Winkler forthcoming) and of the nuances that made it a hit (Keil and Feld 1994). In any case, the commercially available sheet music of the sort used by Alexander does

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[1] Through the mid-1970s the correlation between the number of firms with records in the Top 10 of the weekly *Billboard* chart and the number of labels reaching the Top 10 is nearly perfect. See Peterson and Berger (1975).

not faithfully represent what is recorded. His claiming that it represents the hit recording is analogous to saying that the Mona Lisa printed on a T-shirt accurately represents the painting on display in the Louvre. Sheet music is a simplified version of the hit, made to be sold to amateur pianists or guitarists and to club-date professionals who are expected to play the latest pop hits at weddings and bar mitzvahs. Consider for example, time and meter, the most objective of Alexander's five diversity variables. From the sheet music, he codes each song as 4/4 or 2/2 versus anything else, but this poorly represents the hit record. Dowd (personal communication) reports that in his sample of number-one songs of the 1955–1988 period, fully 20 percent of the 105 songs shift meter and do so for an average of 11 percent of the duration of the recording. Thus, measures of the characteristics of music must be generated directly from the hit recording, as Dowd (1992) has done. Moreover, an index of diversity should also include measures for song lyrics because lyrics are vital in making a record into a hit (Frith 1987).

A SUMMARY MEASURE OF DIVERSITY

We applaud Alexander for combining the several measures of songs in a single index of diversity.[2] The particular measure that he calls entropy does not, however, take into account the *degree* of difference between songs. Thus, for example, if half the songs fit in one cell and are like the other half of the sample except for a single characteristic, the same difference score is obtained as when the two homogeneous halves are different from each other in every single characteristic! Since Alexander neither provides annual plots of the distribution of songs, nor computes a measure of the distances of the songs from each other, it is not possible to estimate the actual diversity of songs from what he calls entropy. Network analysts have developed just such measures, and so has Dowd (1995).

[2] It would be useful to know the degree to which the individual items are correlated and how much each contributes to the diversity index.

DIVERSITY DOESN'T EQUAL INNOVATIONS

Alexander faults us for using the number of records that in a year reach the Top 10 of the weekly pop *Billboard* chart, ignoring completely the numerous independent lines of evidence we developed to show that this simple measure of diversity did in fact fairly represent innovation in the period we examined. This measure, Peterson (1994) argues, cannot be used uncritically now because a rapid turnover of songs "may no longer indicate aesthetic innovation but rather *aesthetic exhaustion*, as trivially different songs quickly reach the top of the charts—and as quickly fade because they are derivative" (Peterson 1994:176).

There must be diversity if there is innovation, but the opposite is not true, because there can be great diversity with no innovation. For example Christianen (1995) describes a number of streams of music in the Dutch music market that have maintained their distinctiveness over decades. This is a situation of considerable diversity in which the innovativeness may be slight. Nontrivial innovation in music is generally signaled by the wide use of a new name for a style of music and an associated group of performers. Possible examples of innovation include rave, techno, acid jazz, grunge, rap, house, New Age, disco, funk, punk, acid rock, Motown, big beat, folk-rock, soul, rockabilly, do-wop, bop, torch, swing, etc. In focusing on diversity alone, Alexander, among others, has forgotten that the master question deriving from Schumpeter (1950) is the relationship between industry concentration and innovation.

LINKING CONCENTRATION AND INNOVATION

Given our concerns about Alexander's measures of concentration and diversity, we will not comment on his testing of their relationship. Suffice it to say that we are heartened that he finds that there is still a strong linear relationship between our measure of diversity-as-innovation and music industry concentration as seen in Alexander (1996) column 5 of Table 1. The failure of the nonlinear model shown in column 6 adds weight to

our assertion that the relationship between concentration and innovation is linear.

Future studies that use regression models to test the relationship between concentration and innovation (or diversity) will need to be sensitive to the assumptions underlying the methods of time-ordered analysis of historical processes. Burnett and Weber (1989), Peterson (1990), Lopes (1992), and Anand and Peterson (1995) show that the structure of the music industry has changed several times since 1948, and as Isaac and Griffin (1989) suggest, such change necessitates the historicization of quantitative methodology.

PROBABLE LIMITS OF THE GENERALIZATION

Looking beyond popular music, a positive relationship between competition and innovation has been found in a wide range of fields, but this does not mean that the relationship should apply universally. We believe it is most likely to hold in regulation-free market situations where demand is elastic, barriers to entry are low, and research and development costs are not high.

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***David G. Berger** is Associate Professor of Sociology at Temple University. He is currently researching and shooting a film documentary on the life and works of Jazz bassist and photographer, Milt Hinton.*

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Print view

Carson, Charles D **Becoming: Blackness and the Musical Imagination - "Bridging the Gap": Creed Taylor, Grover Washington, Jr., and the Crossover Roots of Smooth Jazz** *Black Music Research Journal* 28:1 (Spring 2008) p. 1-15
URL for this item: http://gateway.proquest.com/openurl?url_ver=Z39.88-2004&res_dat=xri:iimp:&rft_dat=xri:iimp:article:citation:iimp00616749

"As jazz, his music is not very interesting. He is a capable but rather anonymous sounding player with an undistinguished sound on the tenor, occasional intonation problems on the soprano, and a determinedly low-keyed approach.... and at present the saxophonist is the best-selling artist on Taylor's CTI label."

-New York Times, February 13, 1977

Despite the fact that it commands a large portion of the jazz marketplace, smooth jazz has become the "elephant in the room" in jazz studies-its absence from contemporary jazz scholarship is made all the more conspicuous by its ubiquity in contemporary society. With a few exceptions, there has been little discussion of its history, characteristics, or reception within the discipline. What notice it has received has come mainly from the popular press, and even there it is often dismissed as being too commercial to be substantial. Throughout its development, various terms have been used to describe this music, many of which betray its apparent lack of legitimacy: jazz-pop, light jazz, jazz-lite, or just crossover. The latter term in particular references the style's self-conscious positioning within the music market, and highlights its intent to appeal to both jazz and mainstream (i.e., nonjazz) listeners alike. As the opening quote illustrates, this commercialism often stands in direct contrast to the critical reception of the music, and continues to undermine musicians' attempts to establish the music as a serious musical genre with respect to jazz and popular music criticism. For example, in 1977, New York Times critic Robert Palmer quips: "The best way to listen to jazz pop is to forget that many jazz fans consider it a failed art music" (Palmer 1977).

Following recent developments in jazz and black music research, I argue that giving preference to historical narratives that favor Eurocentric ideas of autonomy and unity over sociological, popular, or even commercial concerns serves only to undermine the richness and complexity of the jazz idioms as a whole (Ake 2002; 2007; De Veaux 1997; Ramsey 2003). This article is not meant as an apology for what has traditionally been a marginalized style within the discipline; rather, I hope to lend my voice to the growing chorus of recent jazz scholarship that aims to open up a space for the discussion of crossover genres, such as smooth jazz, and to reimagine a jazz history that includes such varied expressions of the jazz experience.

Toward a Definition of Smooth Jazz

Like other designations in jazz, the term smooth jazz is slippery and contested. The phrase is itself an arbitrary industry buzzword: the product of record label executives, marketing firms, and focus groups. With the radio and recording industries at a loss as to how to market this increasingly popular genre in the early 19905, California-based consulting firm Broadcast Architecture was brought in to organize a focus group in order to address the problem of "branding" this musical trend. As Frank Cody, the

consultant in charge of the group, explains in a recent Boston Globe interview: "It was actually a listener [who put the words together].... At that moment, light bulbs went off over everybody's heads" (Rodman 2006). Despite the relative novelty of the moniker, similar and related terms have been in use since the mid-1970s as a means of separating this music-a cleanly produced amalgam of R&B, funk, soul, and jazz-from the more high-brow jazz-rock efforts of groups like Weather Report, Return to Forever, The Mahavishnu Orchestra, and Herbie Hancock's Head Hunters. In the popular press, terms such as crossover, popjazz, and jazz-lite stood against labels like jazz-rock, jazz-fusion, or just fusion as a means of separating the two subgenres as early as 1974. The early 19903 radio-led efforts to label this music, coupled with Billboard's creation of its smooth and fusion-inspired Contemporary Jazz chart around the same time, represent the final step in smooth jazz's development as a commercially viable (if not artistically acceptable) jazz style.

While efforts of the aforementioned fusion artists have generally been lauded-if only in retrospect and only in terms of their recently redefined positions within the grand developmental narrative of jazz history-the work of their smooth jazz counterparts continues to be dismissed as trite and artistically compromised. However, I would argue that the work of these early smooth jazz artists was not without precedent. The crossover impulse from which smooth jazz draws its impetus can be traced back to the rhythm-and-blues work of artists like Louis Jordan and "Big Jay" McNeely-and perhaps even further back to the music of James P. Johnson and the like-artists whose works often went to great pains to exploit the points of contact between blues, jazz, and popular music. It is telling that these artists were similarly criticized-by critics and musicians alike-for their decidedly commercial take on the jazz and blues idioms. In general, jazz scholarship and criticism has been reluctant to address such crossover figures and their music. Only recently have scholars begun to reevaluate these performers in light of their relationship (or lack thereof) to the jazz canon (Ake 2002,42-61; Ramsey 2003, 62-67).

Generally speaking, smooth jazz blends jazz instrumentation, pop production techniques, and an R&B aesthetic into a style that foregrounds the instrumental soloist similar to the manner in which the vocalist is featured in popular music. In fact, the repertoire for this style consists not of jazz works, but also includes covers of popular contemporary R&B songs. Consequently, less emphasis is placed on the value of improvisation than in straight-ahead jazz. While more traditional jazz solos use the form and harmonic structure of a work as a starting point for real-time recomposition, what often takes place in many smooth jazz solos is perhaps more akin to embellishment. Especially in the case of R&B covers, where "recognizing the tune" is important, the soloist often plays the "tune" straight the first time (as in mainstream jazz), and during subsequent verses only adds a number of characteristic ornaments and gestures.

Moreover, the production processes of smooth jazz differ greatly from those typically employed in straight-ahead jazz. In straight-ahead jazz, where group interaction is a hallmark, all performers are generally recorded together in real-time on studio recordings though, as a result of multitrack recording technologies, they are typically placed in different rooms to prevent "bleeding" over into other instruments' microphones. Smooth jazz, however, favors the approach taken by contemporary popular music, wherein all backing tracks (whether samples or "live") are laid down and premixed before the soloist arrives to record. Scholars such as Samuel Floyd and Ingrid Monson have explored the theme of group interaction in the African-American musical aesthetic, and it is commonly understood to play a central role in jazz performance and improvisation (Floyd 1995; Monson 1996). Critics of smooth jazz point to these studio practices as proof that this music is not "real jazz," since it places substantial limits on the musicians' ability to react and respond to their counterparts during the recording process.

Furthermore, it was common practice early in the development of this style to use a relatively fixed group of studio musicians as a backing band for most recordings on a given label. More often than not,

the leader would have little or no say as to who would accompany him on the recording-that choice was, in many cases, the sole responsibility of the producer. In this respect, the approach was different from that of labels like Blue Note in the fifties and sixties, for example, where a relatively small stable of musicians were also used, but where the leader had much more say about who would accompany him. In those sessions, the sidemen were often chosen to complement the soloist, rather than to provide a generic accompanying frame. The result with regards to nascent smooth jazz was that many studio albums possessed a similar sound and feel, regardless of the artists who were featured on the track, leading many jazz purists to dismiss the music as formulaic and uninspired.

These two factors-the absence of traditionally accepted jazz performance practices and the decidedly pop-like production processes-are often taken as proof that smooth jazz artists and producers are more interested in sales than art, and this fact has undoubtedly contributed to smooth jazz's exclusion from jazz history. The idea that "commercial jazz" is diametrically opposed to "real jazz" has been called into question in recent years, however, as works such as Scott DeVeaux's The Birth of Bebop (1997) have attempted to challenge popular assumptions about the relationship between creativity, innovation, and economics in jazz cultures.

As De Veaux points out, bebop itself could not have been "born" had there not been a market for it in the first place. Jazz "enthusiasts"-generally speaking, young, white, and with a certain amount of disposable income-were spending a large portion of that income on recordings, and in doing so proved that they had the wherewithal to actively support a jazz market specifically aimed at those audience members who possessed more discerning palates. This burgeoning group of jazz cognoscenti "avidly absorbed the idea that the most authentic jazz took place ... in secret, subterranean places," and, if given the chance, would be more than willing to spend their money to gain admission to such places (DeVeaux 1997, 277). Small businessmen sensed a potential market and sought to act as facilitator between the musicians-who were eager to find a place away from the bandstand wherein they could explore their new musical ideas-and the jazz connoisseurs just as eager to experience the "real thing." When the sizes of the crowds increased (along with the income from these "public jam sessions") the musicians, club owners, and record producers quickly realized the potential of this music for becoming a viable commodity within the jazz marketplace, especially considering its cost-effectiveness relative to big bands. DeVeaux's work shows us how complicated the connections between jazz and the marketplace can be; musicians may experiment with new styles out of curiosity, boredom, or even genius, but market factors often play a significant role in determining whether or not those styles ever make it to the bandstand-or the record store.

CTI Records: Creed Taylor's Crossover Project

While perhaps not as romanticized as the idea of musicians-only jam session turning into a stylistic (r)evolution, the origins of smooth jazz are no less interesting. During the mid-igoos, record producer Creed Taylor began experimenting with mixing elements of post-bop jazz with contemporary popular musics. These early recordings with such established jazz musicians as Wes Montgomery, Johnny "Hammond" Smith, and George Benson would lay the groundwork for a style of jazz that would attempt to use the familiarity of popular songs to "crossover" to mainstream audiences, while at the same time relying on the credentials (and presumably, the musical talents) of these artists to retain a connection to "authentic" jazz. The implication was that these recordings would appeal to existing jazz fans, while simultaneously broadening that appeal to include fans of popular music through the use of familiar material. While these recordings were well received, the style became critically and economically viable as a result of Taylor's work with the then-obscure saxophonist Grover Washington Jr. in the mid-1970s. This, among other things, contributed to the development of would come to be called smooth jazz.

Taylor was not a newcomer to the jazz recording industry by any stretch of the imagination. Much of his work up to this point also involved experimentation with various crossover formulae, including work with artists like Ray Charles, Oliver Nelson, and Herbie Mann. After spending a few years at Bethlehem Records in the late 19503, working mainly with bop artists like Charles Mingus, Oscar Pettiford, and J. J. Johnson, Taylor moved to ABC-Paramount, where he soon founded Impulse!, one of the most significant labels in jazz history. Among other things, Taylor was responsible for bringing John Coltrane to the label, resulting in many of Coltrane's most important recordings (Kahn 2006).

Shortly after signing Coltrane, Taylor moved on to Verve Records, where he continued to develop his crossover ideas, culminating in the highly influential (and immensely popular) bossa nova album Getz/Gilberto (1964). A blend of American "cool" jazz and Brazilian popular music, this work won several Grammys, and became a perennial best-seller among jazz albums. It was at this time that Taylor began working with guitarist Wes Montgomery, recording covers of pop songs of the day such as Little Anthony and the Imperials' "Goin' Out of My Head" and "California Dreaming" by the Mamas and the Papas. Taylor continued his work with Montgomery after moving to the A&M label, further refining his approach through collaborations with another guitarist, George Benson.

Benson has proven to be an important transitional figure in the development of contemporary jazz. Benson's 1970 record, The Other Side of Abbey Road, issued on the newly created Creed Taylor, Incorporated (CTI) label, was released a mere three weeks after the Beatles' own Abbey Road-a testament to Taylor's ability to read and quickly respond to the recording music market. In contrast to his earlier soul-jazz work on albums like It's Uptown (1966) and Giblet Gravy (1968)-both deeply indebted to Wes MontgomeryTaylor and Benson's effort on The Other Side of Abbey Road combined the Beatles' considerable songwriting abilities, Benson's light guitar approach (as well as his soulful, yet subtle, vocal style) and Don Sebesky's imaginative big band and string arrangements to create what amounted to a new sonic landscape. Perhaps more than any other recording up to that point, The Other Side of Abbey Road helped to establish the signature CTI sound and approach.

The hallmark of recordings from the CTI label was a generally cohesive mixture of popular and jazz ideals. The label's style ranged from more straightforward funky/soul jazz albums such as Freddie Hubbard's Red clay (1970) or Stanley Turrentine's Sugar (1971), to jazz-pop records such as Benson's take on Abbey Road, which consisted mainly of jazz covers of contemporary pop songs. Furthermore, CTI produced a number of experimental "classical crossover" attempts throughout the 19705, including Hubert Laws' nod to Bach, Ravel, and Stravinsky entitled The Rite of Spring (1973), or the incredibly popular Prelude (1973), which featured-among other things-Eumir Deodato's electro-funk take on Richard Strauss' Also Sprach Zarathustra (imagine: Herbie Hancock meets Emerson, Lake and Palmer). While drawing upon "classical" music sources, even these projects were heavily indebted to contemporary music styles such as soul, funk, and jazz, and as such show just how dedicated CTI's artists were to Taylor's developing "crossover" philosophy.

Improvisation played an important role in these early recordings, especially in those in a more straight-ahead style, but we can see a gradual decline in the importance of improvisation over time, as covers and increasingly intricate arrangements become more prevalent. Even as early as 1965, when Wes Montgomery recorded Gain' Out of My Head with Taylor on Verve, improvisation was minimal-if not nonexistent-on many tracks. By the late 19705, improvisation would be restricted to short, discrete sections and limited to an increasingly fixed repertoire of musical figures and ideas.

The quality of CTI recordings-both in terms of performance and production-was of the highest caliber. More often than not, the backing band was itself composed of CTI recording artists, and the label's stable of musicians reads like a who's who of jazz session players: Stanley Turrentine, Freddie Hubbard, Jon

Faddis, Hubert Laws, Herbie Hancock, Bob James, Billy Cobham, Ed Shaugnessy, and Ron Carter, to name a few. The talents of these performers, combined with Taylor's musical and market experience, Sebesky's arrangements, and legendary engineer Rudy Van Gelder's considerable gifts behind the mixing board insured the high quality of CTI recordings.

"Mr. Magic": Grover Washington Jr.

Grover Washington Jr. began as a straight-ahead jazzman, touring the Midwest with rhythm and blues groups after leaving his hometown of Buffalo, New York. Once out of the army in 1967, Washington and his wife and business manager Christine settled in Philadelphia, the city that would become their adopted home, where Washington continued to hone his skills playing hard bop and soul jazz dates there and in New York (Bloom 1979).

Having been featured in a number of earlier recordings, most notably on Johnny "Hammond" Smith's 1970 CTI album Breakout, Washington was already a much sought-after sideman, respected by his fellow studio musicians, even if virtually unknown to many who purchased the recordings on which he performed. His big break, however, would come at the expense of saxman Hank Crawford, who failed to show up for a 1971 CTI session. Taylor quickly replaced Crawford with Washington, who had already arranged and recorded the background tracks. The result was Washington's first album as leader, Inner City Blues.

Inner City Blues, while only slightly successful, seemed to foreshadow Washington's potential as a crossover jazz artist. Whereas earlier crossover work done at CTI-such as recordings by Montgomery or Benson-were mainly attempts at translating proven pop songs into the jazz idiom, Inner City Blues reflected a slightly different aesthetic. As the title suggests, the centerpiece of the album was a cover of Marvin Gaye's classic track, and the choice of this track represented a marked departure from the mainstream pop covers of earlier projects.

Artists typically covered on CTI releases-groups like the Beatles or the Mama and the Papas-were "safe" choices: groups whose popularity was relatively widespread, and whose music was apolitical and nonthreatening. Motown, while generally considered a "widespread and apolitical" label, was nonetheless black popular music, at least in some form. The move away from "white" acts like the Beatles seems to have been a conscious choice on Taylor's part. His choice of an exceptionally successful Motown artist such as Gaye-over a Stax or Atlantic artist, for example-most likely represents an attempt to both emulate and capitalize upon Berry Gordy's proven crossover model. However, the specific choice of Marvin Gaye, arguably Motown's most progressive and political act, appears to indicate a shift away from generic, mainstream pop, toward a more targeted market aimed at taking advantage of both the increasing popularity of Motowninspired black popular styles, and the implied (if not actual) authenticity of such music. The fact that Taylor chose to record "Inner City Blues," perhaps the most overtly political track by Gaye up to that point, supports this point.

At this same time, it would be a mistake to discount Washington's role in the success of both this album, and the emerging smooth jazz style writ large. Washington's contribution-both as arranger and soloist-was to help define the sonic approach of this and later recordings. In contrast to Sebesky's arrangements for CTI, which were deeply indebted to big band styles and techniques, Washington's scaled-down instrumentation emphasized the pop aspects of his project. Moreover, as I will discuss in greater detail below, Washington's approach to his instrument also played a vital role in the success of this music. If the number of emulators is any indication, it might be said that Washington has had the largest impact on jazz saxophone performance of any artist since John Coltrane.

As a result of its relative success, Inner City Blues helped set a precedent for much of what would follow, especially in terms of Grover Washington Jr.'s output. This model-highly produced instrumental music based upon 19705 black popular styles like Motown and funk-became the standard for many of CTI's subsequent recordings, and it would continue to develop alongside those genres.

Despite his performance on Inner City Blues, Washington's first major success would come with i974's Mister Magic. Washington's performance on this album draws heavily from his straight-ahead jazz roots, but the wide range of styles that influence Mister Magic illustrates the complexity of the term "jazz" at that particular historical moment. Coupled with the R&Btinged title track is a variety of distinct musical excursions: an atmospheric contemporary fusion jazz piece entitled "Earth Tones," a decidedly funky tune called "Black Frost," and-perhaps as a nod to his jazz roots-a highly sentimental and stylized version of the Duke Ellington/Billy Strayhorn classic, "Passion Flower."

While Washington's ability to blend styles and genres of music, yet still retain a fundamental "blues sensibility," has resulted in no small amount of critical and commercial success, the influence of Washington's saxophone style cannot be overstated. At a time when most saxophonists (especially tenors) were emulating the "Coltrane" sound-characterized by its power and athleticism-Washington's sound was nimble and blithe. Washington seems to invite this comparison by his frequent use of soprano saxophone, an instrument closely associated with Coltrane, which Washington employs as early as 1974 on the album Mister Magic. If Coltrane, with his big, declamatory tone and his characteristic "sheets of sound," evokes Coleman Hawkins' earlier emphasis on presence and harmonic motion, then Lester Young's lighter and more melodic approach can be seen as the inspiration for Washington's signature sound. Whereas many saxophonists cultivated a sound that possessed a hint of wet airiness-even fuzziness-giving their tone a meaty texture evocative of the gritty vocals of a work song or blues shout, Washington strived for purity and brilliance on his horn. Even-or rather, like Young, especially-at softer dynamics, his tone remained crystal clear, drawing the listener close and projecting a sense of depth and intimacy that would become a cornerstone of the smooth jazz aesthetic. The resulting sound blends well with a variety of instrumental and vocal textures-some critics would say too well. At the same time, however, Washington counted Hawkins among his main influences, and particularly in his live performances, he never betrayed his rhythm and blues origins (Bloom 1979,13). His time, phrasing, and inflection all attest to his indebtedness to the straight-ahead jazz of the tenor-and-organ combos in which he came of age. In light of his influence upon later saxophonists like Kenny G (who is said to have modeled his soprano sound on Washington's), we may be tempted to dismiss Washington's approach as a "beginning of the end" of sorts. However, in doing so we risk overlooking the impact that such an original and versatile sound had upon listeners in the early 19705.

Smooth Jazz: Early Reception

For many within the jazz community, Grover Washington Jr. remains a problematic figure. While his own work mixing jazz and black popular forms is generally accepted-and occasionally celebrated-the efforts of many of his acolytes are dismissed as commercial and uninspired-most notably, that of the "biggest-selling instrumental musician and biggest-selling jazz musician of all time," Kenny G. To date, Kenny G's sales have topped fortyeight million units, making him-along with Neil Young-the twenty-fifth best-selling artist ever (RIAA). However, the popularity of this style of jazz cannot be ignored. With the success of Grover Washington Jr.'s 1980 album, Winelight, Washington not only secured his place within the jazz pantheon, but also the place of smooth jazz within the jazz marketplace.1

In many ways, Winelight reflects the "coming of age" of smooth jazz. Many of its contributing factors-Taylor's crossover experiments, the Motowndriven rise of black popular music within the mainstream music market, as well as Washington's unique musical voice-coalesce into a near-perfect example of

crossover jazz. The production value is very high, casting the entire album in a glossy sheen that matches well with Washington's pristine sound. The music blends pop and jazz in just the right combination, with Washington's solo lines carving out a soulful contour above mellow R&B grooves. The improvisation is at times quite inspired, but is, for the most part, kept to a minimum. This formula paid off. Winelight won two Grammy awards in 1981: one for Best Jazz Fusion Instrumental or Vocal Performance and a second for Best R&B Song (for Bill Withers' performance on "Just the Two of Us").

The presence of Bill Withers on this album represents an important trend within smooth jazz. Although Withers was most likely added to mimic the success that George Benson had in including (his own) vocal tracks on his albums, this track is representative of what was an ongoing exchange between smooth jazz and R&B vocal music, perhaps best illustrated by the "Quiet Storm" radio format that began to appear across the country during the mid-1970s. Taking its name from a Smokey Robinson concept album (A Quiet Storm, 1975), this format featured jazz-influenced moderate-tempo R&B songs whose subjects tended towards love and physical intimacy. The music of artists such as Robinson, Gaye, and Withers was a mainstay of this format, and the latter's inclusion on Winelight ensured that "Just the Two of Us" would get plenty of airtime outside of jazz station rotations.

The fact that Winelight won Grammys in both jazz and R&B categories exemplifies both the success and problems of such crossover genres. On one hand, the victory secured this music's place within popular music, exposing this style to a wider audience. At the same time, however, the R&B Grammy supplied ammunition to those critics who argued (and continue to argue) against this music's inclusion in the jazz canon. To be sure, this is true in any crossover genre, but it seems to be especially troubling in genres such as jazz-genres that already have to fight to retain a certain amount of credibility (to say nothing of market share) within mainstream society.

But what do the musicians themselves say about their music? Compare two articles in Down Beat which feature interviews with Washington: the first is at the very beginning of his stardom-after the release of Mister Magic-and the second just after his move up to a "major" label (Warner's Elecktra label) just prior to the double Grammy winner Winelight. The first interview, from 1975, is eager to represent Washington as the up-and-comer in the "new" jazz crossover scene. Typical of such constructions, the piece frames him within the jazz tradition: he paid his dues playing "the circuit"; he admires and models himself after great jazz legends, in this case specifically "Trane" and "Bird"; and he often includes standards on his live sets (Mandel 1975).

These familiar tropes, however, are cast in a new context. He deflects comments about his newf ound (and very un-jazz-like) stardom by saying, "I hate to be called a star ... I'm a saxophone player, that's all" (Mandel 1975, 14). Sidestepping any definitions of his music, he refers to what he does as "universal" and "open." Thus, this interview presents an artist who is trying to claim a sense of "authenticity" within the jazz community, while at the same time attempting to broaden his appeal in an effort to achieve a certain crossover success. This last point is especially evident in his comment: "we don't want to be playing clubs for the next 20 years" (Mandel 1975, 16). By rejecting jazz clubs, the traditional venue for jazz and the gigging jazzman's bread-and-butter, so to speak, Washington emphasizes his goal of attracting a larger, more mainstream audience.

In 1979, Down Beat returns for a second interview. By this time, Washington is a wealthy celebrity. His last four albums went gold (a rather rare occurrence for jazz albums at that time), the last one in only three and a half weeks (an even rarer occurrence). The emphasis of the article has switched from Grover the musician to Grover the businessman. The article not-sosubtly highlights his change in status: two Mercedes, a sprawling mansion in an elite suburb of Philadelphia, and his stunningly appointed entertainment room. Much of the interview is apology for Grover's (and the music's) decidedly

commercial aspirations. When asked what would happen if his next album sold three million copies (it is perhaps on its way-it has sold two million to date), Grover replies, "That would let me know I'm on the right track, but I would still do different things. I wouldn't just cater to a certain audience" (Bloom 1979,13).

By this point in his career, Washington has honed his business acumen to razor-sharp accuracy. He defends the commercialism of some of his music by arguing that the more "pop" oriented tunes bring in more, and newer, listeners. Moreover, he argues that his live performances more accurately represent the jazz impetus behind his music-improvisation becomes more central to the performance, jazz standards play a more significant role, and, perhaps most important, there is a marked increase in the level of interaction between the musicians. Of course, technique and repertoire are not really the issues here; rather, Washington's status within the jazz community rests upon his positioning vis-à-vis the accepted ideas of jazz history and performance practice. By calling into question Washington's place within this tradition, critics and scholars are-in effect-not only questioning his authenticity as jazz musician, but also his identity. The implication for jazz musicians such as Washington-black musicians-is that they should "know better," and that to betray jazz is to somehow betray their race. The line between crossover success and merely being a "sell out" is often so fine as to be practically nonexistent.

Complicating this, however, is the fact that modes of identity-such as race, class, gender, and so forth-are no less fluid and contested than musical categories. It is no accident that the development of what would come to be known as smooth jazz coincided with the rise of what sociologist Bart Landry calls the "New Black Middle Class" during the early 19705 (Landry 1987). As the boundaries of what constituted jazz were being challenged and redefined, so too was the definition of blackness. If, as David Ake contends, "Music-genre designations function as more than convenient partitions in record stores," and instead help "musicians, listeners, scholars, and institutions define and orient themselves in terms of who counts and does not count within a certain category," then smooth jazz represented one of several means by which the black middle class attempted to negotiate its own identity within American society at large (Ake 2002,44).

Contemporary narratives often portray this music as a "whitewashed" product meant to appeal to a fan base seeking to limit its contact with the African-American elements traditionally associated with jazz. While there is perhaps a kernel of truth to this idea, as Ted Gioia and others have shown with respect to similar debates surrounding cool/West Coast jazz, such reductions into "black and white" prove to be of little use, as they are often contradicted in real life (Gioia 1992; Bryant 1998). Studies conducted during the early 19805 shows that, while the majority of the jazz-going public was overwhelmingly white, the percentage of the African-American community that actively participated in the jazz community-as performers, consumers, or listeners-was substantially higher than the national average (Horowitz 1986; Baker 1990). The study also showed a strong correlation between income/education level and rates of participation, especially among black respondents. While the study does not include any clear definitions of jazz itself, at a time when the music that would come to be known as smooth jazz was beginning its ascendancy, middle-class African Americans showed a higher level of investment in jazz than their white counterparts. This shows that, despite smooth jazz's reputation as a "whitened" version of jazz, a significant portion of its audience was, in fact, black-albeit middle class.

Just as its commercial success has banished smooth jazz from our discussions of jazz history, so too has economic success and upward mobility excluded the black middle class from our concept of "black" in America. Such groups have often served as mediators between black and mainstream cultures, and being "in the crack" between the two societies has often resulted in their being both a target of criticism from below, and a victim of marginalization from above (Pattillo 2007). As a result, static definitions of "black," "white," and "middle class" were often constructed at the expense of the black middle class.

These new definitions-propagated by the media but rehearsed in everyday life-eliminated the "gray area" within which the idea of a black middle class existed, forcing the creation of a discourse of fixed categories of individual and cultural identity.

No doubt the black middle class sees a bit of themselves in artists like Washington. The increasing mobility enjoyed by the new black middle class of the 1970s was translated into new aspirations grounded both in their urban black experiences and in their newfound economic and social status. Washington's image of a clean-cut, stylishly-yet-conservatively dressed, and well-spoken black man is in many ways the visual analogue to this aural aesthetic. On the most basic level, music such as Washington's held the promise of both sophistication and soulfulness, thus helping to bridge the gap between jazz's earlier associations with a black underclass and the new black middle class' mainstream aspirations. The black middle class invested in a music that was tied to uniquely black musical traditions, but "genteel" enough to distance them from those ever-present reminders of just how tenuous their own position within mainstream society truly was. Concurrently, the music's perceived "not-too-black-ness" appealed to a mainstream jazz market alienated by both the stark militarism and blatant cultural politics of free jazz, and the often cerebral art-music aesthetic at the heart of jazz-rock. This translated into crossover success, and the reactions against such obvious commercialism would set the stage for the curatorial neo-conservativism of "mainstream" jazz led by figures such as Stanley Crouch and Wynton Marsalis beginning in the late 19805.

I argue here that-among other things-excluding smooth jazz from discussions of jazz styles on the basis of a predetermined and essentially static set of characteristics is tantamount to denying members of the black middle class the right to self-identify as both black and middle class. For others-black or white-to dictate what is "authentic" (i.e., what is black enough) is at best patronizing, and at the very worst, racist. The spirit of jazz is rooted in change, and smooth jazz represents but one of many stages in the continuing evolution of a genre whose hallmark has been its ability to adapt both to its environment, and to the needs of the people whom it serves. Smooth jazz serves a real purpose for real people; and it does so for multiple peoples in multiple ways. In the present case, it has helped middle-class African Americans to carve out a unique space for themselves within contemporary American society.

While I make no attempt here to explore the complexities of white reception of smooth jazz, the widespread popularity of contemporary artists like David Sanborn, Dave Koz, Chris Botti and-of course-Kenny G clearly illustrates that smooth jazz continues to have a rather substantial following among white listeners as well. (Suffice it to say that I believe the musician's race-most of the best-selling smooth jazz artists today are white-plays an important role in their mainstream reception, but that is a question perhaps best left for another article.)

Rather than making the claim that smooth jazz is "authentic" black music (or, for that matter, that it is exclusively black music)-a claim that would merely shift the boundaries of our conceptions of the relationship between race, class, and music without questioning them-I am instead attempting to show that our seemingly clear ideas about musical and social identity are, in fact, far more complicated than we perhaps realize. The fact that styles such as smooth jazz prove so useful in illustrating these complications is reason enough to include them in our understanding of what constitutes "jazz."

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1. Winelight went Gold within three months of its release, and Platinum less than two months later. It was certified Multi-Platinum (total sales of over two million units) on July 7, 2004 (RIAA).

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VISUAL

EXHIBIT

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startribune.com

A powerful 'Change' by Kushner; REVIEW: Greta Oglesby brings down the house as the heartbreaking Caroline.

ROHAN PRESTON. **Star Tribune.** Minneapolis, Minn.: Apr 26, 2009. pg. B.2

Abstract (Summary)

Playwright Tony Kushner was visibly choked up Friday as he took the stage at the Guthrie Theater for the opening-night curtain call of "Caroline, or Change," his semi-autobiographical opera now making its regional premiere. Musical director Andrew Cooke brings to life composer Jeanine Tesori's gorgeous music, a gumbo of gospel and classical, klezmer, Motown and R&B. I especially loved some of the quieter numbers, including the poignant "Underwater."

Full Text (592 words)

Playwright Tony Kushner was visibly choked up Friday as he took the stage at the Guthrie Theater for the opening-night curtain call of "Caroline, or Change," his semi-autobiographical opera now making its regional premiere.

No doubt, the celebrated scribe had many reasons to be moved. Chief among them was Greta Oglesby's ravishing and powerful lead performance. Oglesby delivers the best performance on a Twin Cities stage this year in a show about Americans grappling with cultural and personal changes.

Set in Lake Charles, La., in 1963, a time of tumult, "Caroline" revolves around a 39-year-old maid who spends much of her time working in the basement of the Gellman home. Figuring large in her life are her own children, including teenage daughter, Emmie, who has a rebellious streak, as well as her charge, Noah Gellman (Ryan McDowell Poehler), a third-grader whose mother has died and whose father is emotionally removed.

Noah would like Caroline, whom he calls the president of the United States, to assume a more parental role. Their friendship is shaken by an argument arising when Noah leaves money in the pockets of his dirty laundry.

Caroline is heartbroken and heartbreaking, and Oglesby plays her with deep and bitterly affecting honesty. She has a well of a voice full of the hurts and hopes of history.

She dips into it liberally to give her character a pathos and poignancy that makes the Guthrie feel as hot as a live wire. She brings down the house on "Lot's Wife," one of several showstoppers in director Marcela Lorca's splendid staging.

Oglesby invests her pessimistic maid with such feeling, such weariness and strength, you can see why August Wilson would pick her to originate the 385-year-old seer who is the center of his play, "Gem of the Ocean."

Much of the credit for "Caroline" being such an engrossing, must-see event is due not only to Oglesby's performance but Kushner's deft handling of the era and intercultural relations. His writing rejects the notion of using

black pain to assuage liberal guilt, showing instead authentic characters with differing reactions to events, from civil rights to the assassination of John F. Kennedy.

That is one of the strengths of the show, that you feel all parties are respected and invested in it.

Musical director Andrew Cooke brings to life composer Jeanine Tesori's gorgeous music, a gumbo of gospel and classical, klezmer, Motown and R&B. I especially loved some of the quieter numbers, including the poignant "Underwater."

Lorca's production has many stand-outs, including Regina Williams as Dotty; Nikki Renee Daniels as Caroline's determined and optimistic daughter, Emmie; and deep-voiced T. Mychael Rambo as the dryer that torments Caroline. Julie Reiber sings like a bird as Rose, Noah's stepmom.

The design (Richard Hoover, sets; Mary Louise Geiger, lights and Candice Donnelly, costumes) is also impeccable, especially Scott Edwards' crisp sound. There's one costume miscue on Jamecia Bennett's Washing Machine. It's a humdrum carnival outfit with a mammy-esque headwrap, when her character has more sizzle than that.

Even when Caroline is not onstage, she maintains a pull on the proceedings -- a strong presence by Oglesby that is making the Guthrie buzz.

Rohan Preston - 612-673-4390

CAROLINE, OR CHANGE

What: Book and lyrics by Tony Kushner. Music composed by Jeanine Tesori. Directed by Marcela Lorca.

When: 1 p.m. today, 7:30 p.m. Tue.-Fri., 1 p.m. & 7:30 Sat. Ends June 21.

Where: Guthrie Theater, 818 S. 2nd St., Mpls.

Tickets: $29-$75. 612-377-2224.

hear excerpts of songs from the Broadway cast album of "Caroline, or Change" at startribune.com/onstage.

[Illustration]
Caption: PHOTO

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VISUAL

EXHIBIT

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NEW YORK Amsterdam News

Joe Cuba, father of New York boogaloo, passes

Anonymous. **New York Amsterdam News.** New York, N.Y.: Feb 19-Feb 25, 2009. Vol. 100, Iss. 8; pg. 33, 1 pgs

Abstract (Summary)

Joe Cuba's Sextet became popular in the New York Latino community precisely because it fused a bilingual mix of AfroCaribbean genres blended with the popular urban rhythm and blues of its time, creating a musical marriage between the Fania and Motown sound. [...] Cuba later comically described a conversation he had with the governor of Georgia, who called him demanding why he would record a song whose chorus negatively derided the still- segregated Southern state.

Full Text (1304 words)

The "Father of Boogaloo," Joe Cuba, passed away on Sunday, Feb. 15, 2009, at 4 p.m. at Mt. Sinai Hospital in New York He was the most popular exponent of the boogaloo, a fused Latino and R&B rhythm that exploded onto the American top 40s charts during the turbulent 1960s and '70s. Hits such as "Bang Bang," "Push Push," "El Pito," "Ariñañara," and "Sock it to me, Baby," rocked the hit parades, establishing Joe Cuba and his sextet as the definitive sound of Latin New York during the '60s and '70s. The Joe Cuba Sextet's unusual instrumentation featured vibraphones replacing the traditional brass sound. His music was at the forefront of the Nuyorican movement of New York, where the children of Puerto Rican emigrants, America's last citizens, took music, culture, arts and politics into their own hands.

Joe Cuba's Sextet became popular in the New York Latino community precisely because it fused a bilingual mix of AfroCaribbean genres blended with the popular urban rhythm and blues of its time, creating a musical marriage between the Fania and Motown sound. His was the first musical introduction to Latin rhythms for many American aficionados. The lyrics to Cuba's repertoire mixed Spanish and English, becoming an important part of the emerging Nuyorican identity.

"Joe Cuba's music validated the developing Nuyorican population, whose language and music Cuba captured with his sound," underlines Giora Breil, CEO of Emusica, the company that now owns the Fania label and who has remastered many of the classics for a new generation of music lovers. "He led the urban tribe into a united front of cultural warriors that were defining the social and political times they lived in."

Longtime manager and promoter Hector Maisonave recalls Cuba as "an innovator who crossed over into mainstream music at an early time. He was the soul of El Barrio. After Joe Cuba, El Barrio is just a street that crosses an avenue."

In 1962, Cuba recorded "To Be With You" with the vocals of Cheo Feliciano and Jimmy Sabater, whose careers he spotlighted after the band's introductory appearance at the Stardust Ballroom prior to its summer stint in the Catskills.

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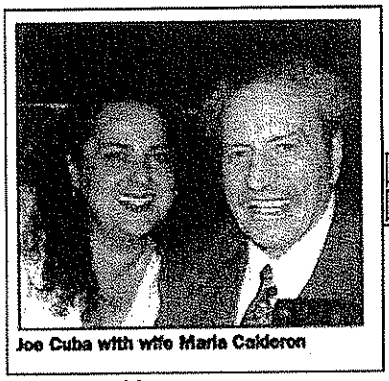
Born in 1931 in the heart of Spanish Harlem, his Puerto Rican parents arrived in New York City in the '20s. Christened Gilberto Miguel Calderón, Cuba was a doo-wopper who played for J. Panama in 1950 when he was a young 19 year old before going on to play for La Alfarona X, where the young "conguerro"/percussionist replaced Sabu Martinez and was tapped to play with Xavier Cugat.

By 1965, the sextet got their first crossover hit with the Latino and soul fusion of ?1 Pito (I Never Go Back To Georgia)," a tune Cuba recorded against the advice of the producer and was later to be "broken" by a DJ over WBLS FM in NY. The Dizzy Gillespie "Never Go Back To Georgia" chant was taken from the intra to the seminal Afro-Cuban tune "Manteca." Vocalist Jimmy Sabater later revealed that "none of us had ever been to Georgia." In fact, Cuba later comically described a conversation he had with the governor of Georgia, who called him demanding why he would record a song whose chorus negatively derided the still- segregated Southern state. The quickthinking Joe Cuba replied, "Georgia is the name of my girl."

"Joe Cuba exemplified the power that comes from collaboration," highlighted East Harlem's Councilwoman Melissa Mark Viverito. "Through his music, Joe brought together Latinos and African-Americans, and his art form reflected the influences of both cultures. Furthermore, his music united Harlem and East Harlem by reflecting the growth both communities experienced during the 1960s and '70s. Joe Cuba made Spanish Harlem proud as he bravely brought his particular New York Latino identity to stages all over the world."

In 1967, Joe Cuba's band, with no horns, scored a hit in the United States National Hit Parade List with the song "Bang Bang," a tune that ushered in the Latin Boogaloo era. He also had a #1 hit, that year on the Billboard charts with the song "Sock It To Me Baby."

The band's instrumentation included congas, timbales, an occasional bongo, bass, piano and vibraphone. "A bastard sound," is what Cuba called it, pointing to the fans, the people, as the true creators of this music. "You don't go into a rehearsal and say, 'Hey, let's invent a new sound or dance.' They happen. The boogaloo came out of left field," Cuba recounted in Mary Rent's book "Salsa Talks: A Musical History Uncovered." "It's the public that creates new dances and different things. The authence invents, the authence relates to what you are doing and then puts their thing into what you are playing," pointing to other artists such as Ricardo Ray or Hector Rivera as pioneers of the urban-fused rhythm.



Enlarge 200%
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[Photograph]
Joe Cuba with wife Maria Calderón

"I met Joe up in the Catskills in 1955," recalls nine-time Grammy Award-winner Eddie Palmieri. "When I later started La Perfecta," Palmieri mused. "We alternated on stages with Joe. He was full of life and had a great sense of humor, always laughing at his own jokes," chuckled the pianist. Palmieri pointed to Cuba's many musical contributions underlining the power and popularity of his small band and bilingual lyrics while providing a springboard for the harmonies and careers of Cheo Feliciano, Willie Torres and Jimmy Sabater.

"He was Spanish Harlem personified," described Palmieri, recalling the "take no prisoners" attitude Cuba had when it came to dealing with those who reluctantly paid the musicians. Recalling their early recording days with the infamous Morris Levy, Palmieri cited the antics of Joe Cuba, Ismael Rivera and himself as the reason for Levy

Exhibit: G
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selling them as a Tico package to Fania label owner Jerry Masucci.

Funny, irreverent and with a great humor for practical jokes, Joe Cuba, or "Sonny" as he was called by his closest friends, was raised in East Harlem. Stickball being the main sport for young boys of the neighborhood, Cuba's father organized a stickball club called the Devils. After Cuba broke a leg, he took up playing the conga and continued to practice between school and his free time. Eventually, he graduated from high school and joined a band.

"He was not afraid to experiment," said David Fernandez, arranger and musical director of Zon del Barrio, who played with the legendary Cuba when he arrived in New York in 2002.

By 1954, at the suggestion of his agent to change the band's name from the Jose Calderón Sextet to the Joe Cuba Sextet, the newly named Joe Cuba Sextet made their debut at the Stardust Ballroom. Charlie Palmieri was musical director of the sextet before his untimely 1988 death from a heart attack

Since then, the Joe Cuba Sextet and band has been a staple of concerts and festivals that unite both Latinos, African-Americans and just plain music lovers in -venues all over the world.

Joe Cuba is survived by his wife, Maria Calderón, sons Mitchell and Cesar, daughter Lisa, and grandchildren Nicole and Alexis.

Condolences can be sent directly to Joe Cuba's widow, Maria Calderón, at mariacubal@Verizon.net.

The viewing for Joe Cuba will be held at the R&G Ortiz Funeral Home (212.722.3512), located at 204 East 116th Street, between Second and Third avenues, on Wednesday and Thursday, February 18 and 19, from 2 p.m. to 10 p.m. A funeral mass service will be held Friday, February 20 at 11 a.m. at St. Paul's Church, located at 213 East 117th Street, between Park and Lexington avenues.

[Sidebar]
Blessed turnout at Gospelfest tryouts
The McDonald's on 125th Street was the site of the annual Gospelfest auditions. This year's Gospelfest, to be held at the Prudential Center In Newark, N.J., June 13 at 3 p.m., will feature Patti LaBelle, among other musical luminaries.
Shown: Auditioning singer Alicia Thomas.

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[Photograph]

Indexing (document details)

Subjects:	Musicians & conductors, Deaths – Cuba, Joe
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Author(s):	Anonymous

Exhibit: G
Page: 50

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Welcome

WELCOME to the home of Coolsoundz. We provide mobile disco entertainment throughout the UK. We are the UK's first and only mobile disco entertainment specialising in all MAJOR music genres. We play the best in R'n'B, Pop, Rock, Dance, Funk, Salsa, Soca, Reggae, Dancehall, Bhangra, Hip-Hop, Bollywood, Zouk, Highlife, Kizomba, Reggaeton, Makossa, Afro beats, Motown, and much more.

We provide a tailor made service for ANY occasion and package to suite all budgets and of course with the right choice of music entertainment. We pride ourselves on our ability to play the music that no other DJ's can provide. Here we put all your needs first, and we do listen to your concern, that way we stay a step ahead of our main competitors. We got extensive around the globe music library of 100.00 songs to choose from. At Coolsoundz we recognise how important your costume is to us, so when you book with us for the second time, WE will give you the third one FREE of charge.

Coolsoundz is run and managed by Mr Jose Toze Antonio. A man with over 15 years experience in mobile disco entertainment industry.

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Sam Hill ENTERTAINMENT

Band Listings

Search Bands: SUBMIT

Jump to a Price Range

$10,000+
$7500-10,000
$5000-7500
$3500-5000
$2500-3500
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Browse By Music Style

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Motown, Soul, Oldies, Beach, Variety

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Jazz, Swing, Big Band

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Bluegrass, Country, Americana

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Acoustic, Folk, Blues

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Hip-Hop, Urban, Current R&B

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Bands for **All Event Types** (Show College | Corporate | Wedding)

Bands serving **New York Metro** (Change Region)

Price Range: **$10,000+** top ^

1964 - The Tribute (Tribute to The Beatles)
the number one Beatles tribute show on earth!

Gazze
from Sinatra to Outkast they bring the fun!

Hero
explosive, high energy DC & Baltimore dance band

Marquise
experienced, dynamic & exciting 10pc dance band

Pat Patrick Band
from an intimate combo to a 23 piece big band

Right On!
the ultimate PARTY band - lots of Motown & disco!

Sound Connection
powerhouse of talent & energy

Price Range: **$7500-10,000** top ^

The Adrian Duke Project
endless repertoire of rock, soul & jazz tunes

The Atlas Band
the strongmen of soul

BS&M
top 40 to soul, rock'n'roll to swing, BS&M does it

DC Soul Band

Exhibit: I
Page: 56

the best Soul, R&B, Motown and MUCH more

The Dickens
classic party songs, current rock and hip-hop

The Fabulous Hubcaps
50s, 60s, 70s theme band - a great show!

Forever Ray: Whitley & The Hard Times Band
a tribute to the music of Ray Charles

Full House
no gimmicks - just the music

The Funsters
variety and dance band that is always a good time

The Greaseband
50's, 60's, 70's & 80's decades rock'n'roll party

Heartbeat Dance Band
versatile group that proves perfect for all events

Love Peace & Soul
NYC's most soulful dance band

The Mustangs Band
Classic Soul, 70 & 80's hits, classic rock, swing

The Mystic Band
excellence in live entertainment

Nancy Atlas Band
the link between Lucinda Williams and Sheryl Crow

New York Minute
hip, young, energetic band that can cover it all

Only In America Band
from B'Ways Tony Award winning musical 'Movin Out'

The Party Dolls
a tribute to girl groups and women in rock!

The Projekt
NY's extraordinary entertainment experience

Sound Nation
dynamic, versatile and seasoned party band

The Stingers Band
get stung by NYC's hottest live dance band

Price Range: **$5000-7500** top ^

After Hours
a kickin' band plus DJ covers all music bases

Exhibit: I
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Alive N' Kickin
New York & Tri-State's #1 party band

Bock & Blu
not your typical wedding band

C. Barnes Project
10pc variety band plays it ALL!

Colgan-Hirsh Band
versatile party band fit for any occasion

Cruise Control Band
put your party on cruise control!

Fabulous Bel Airs
fabulous hits of the '50s and '60s

Funktion 11 Band
big hip, horn-driven funky rhythm & blues

The Fuzz Band
smooth mix of soul, funk, jazz and hip-hop

Girlz Nite Out
all female 60s, 70s and 80s dance jams

The Grandsons
rhythm and blues, rockabilly, and western swing

Groove Place
energetic horn band that keeps dance floors full

Hard Day's Night
ladies and gentlemen...the BEATLES!

Head Over Heels
lively, fun, high energy party band

liquid Band
smokin' grooves - straight up New York City live!

Prime Time Funk
the tightest, funkiest horn band in upstate NY

The Real Geniuses
it's the real thing - 80's and a whole lot more

Skyline Drive Orchestra
the tri-state area's favorite variety & party band

Steppin Out
rocking dance floors across the tri-state area

Price Range: **$3500-5000**

top ^

Exhibit: I
Page: 58

Echelon Band
groovy 70's funk & disco keeps the party going!

The Funky Fritters
deep fried New Orleans blues, brass & funk

Hot Sweets
funk and soul with a New York state of mind

The Jangling Reinharts
rock'n'roll & party classics - oldies to the 90s

Jesse Garron's Tribute To Elvis
Elvis tribute - "the closest thing to The King"

Jimi Smooth & Hittime Band
favorite motown & soul classics - Jimi is smooth!

Klezmer Mountain Boys
klezmer meets bluegrass

Souled Out
north jersey's favorites - covering motown to rock

The Sweet Divines
sweet modern soul with a retro sound Original Music

Urban Exchange
tight soul, funk, Motown and classic & current R&B

Price Range: **$2500-3500** top ^

Big Kahuna
playing the hits from the 40's to today

Terence McArdle & Big Trouble
swinging jump blues & R&B with hot horn section

Tony T Orchestra
Broadway musicians that can play it all!

Price Range: **$1500-2500** top ^

Big Jack Daddy
a true "good time" band

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EXHIBIT

J

Both Sides of the Gun

Sven Philipp. **Billboard**. New York: Mar 25, 2006. Vol. 118, Iss. 12; pg. 65, 1 pgs

Abstract (Summary)

The Eastern-flavored, feel-good single "Better Way" opens disc one, which mixes Motown funk with orchestra ("Black Rain," a reaction to Hurricane Katrina), a demo-ish Rolling Stones parody ("Please Don't Talk About Murder While I'm Eating") and smoky bar swing ("The Way You Found Me"). From string-dusted folk reveries ("Morning Yearning") to intimate power ballads ("Picture in a Frame") and delicate piano vignettes, it showcases Harper's knack for handcrafted acoustic grooves and haunting melodies.

Full Text (161 words)

ALBUMS

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[Photograph]

BEN HARPER

Both Sides of the Gun

Producer: Ben Harper Virgin

Release Date: March 21

On his first solo album in three years, Harper seeks perfect polarity, offering a two-disc set that separates heavier songs from tender ballads. The Eastern-flavored, feel-good single "Better Way" opens disc one, which mixes Motown funk with orchestra ("Black Rain," a reaction to Hurricane Katrina), a demo-ish Rolling Stones parody ("Please Don't Talk About Murder While I'm Eating") and smoky bar swing ("The Way You Found Me"). Playing all instruments and producing himself, Harper embraces a sound that is surprisingly rock-driven, but also less vibrant than his last solo set, "Diamonds on the Inside." To be sure, the quiet side is the more powerful. From string-dusted folk reveries ("Morning Yearning") to intimate power ballads ("Picture in a Frame") and delicate piano vignettes, it showcases Harper's knack for handcrafted acoustic grooves and haunting melodies. On this sparse canvas, his raw talent shines with familiar earthy elegance.-SP

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VISUAL

EXHIBIT

K

—African-American Biographies—

ARETHA FRANKLIN

Motown Superstar

Series Consultant:
Dr. Russell L. Adams, Chairman
Department of Afro-American Studies, Howard University

Silvia Anne Sheafer

Enslow Publishers, Inc.
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AP/Wide World Photos

VISUAL

EXHIBIT

L

Private Dancer is still a head Turner; REVIEW: Music legend thrills the crowds at NIA with medley of classic hits

ANUJI VARMA. **Birmingham Mail.** Birmingham (UK): Apr 8, 2009. pg. 3

Abstract (Summary)

TINA TURNER NIA IT WAS glitz and glamour galore when superstar singer Tina Turner took to the stage to the delight of more than 10,000 revellers.

Surrounded by four scantily-clad dancers, she'd managed to bring the arena's crowd to its feet and the party was in full swing by the time the Motown legend moved onto the soul spectacular River Deep.

Tina performed hit after hit including Acid Queen, What's Love Got To Do With It, and Private Dancer. And then it was time again for another spectacular outfit change.

Full Text (367 words)

TINA TURNER NIA IT WAS glitz and glamour galore when superstar singer Tina Turner took to the stage to the delight of more than 10,000 revellers.

Dressed in tight black sequined leggings with a matching top, Tina launched into the infamous hit Steamy Windows, showing off her amazingly powerful vocals.

Surrounded by four scantily-clad dancers, she'd managed to bring the arena's crowd to its feet and the party was in full swing by the time the Motown legend moved onto the soul spectacular River Deep.

As she moved off the stage - for the first of her fabulous outfit changes - a trio of acrobatic street dancers entertained her fans with a pretend fight scene..

But it didn't take her long to slip into a red mini-dress which showed off a pair of pins that even Elle Macpherson would be jealous of.

Tina performed hit after hit including Acid Queen, What's Love Got To Do With It, and Private Dancer. And then it was time again for another spectacular outfit change.

Minutes after leaving the stage she reappeared from behind a curtain dressed as her character from Mad Max - complete with a platinum blonde wig and a gladiator style robe to sing We Don't Need Another Hero, which ended the first half.

After a 30-minute break it was back to the stunning stage show but Tina had toned down the theatrics for an emotional performance of The Beatles' hit Help.

You believed every word she sang and the same could be said for her the powerful ballad Let's Stay

Together. But it was the dazzling display for Golden Eye that really took the crowd's breath away.

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A giant golden eye appeared onto the stage and as the pupil opened, the star appeared singing one of the best ever Bond theme tunes.

She ended the night with an encore including Nutbush City Limits and Rollin.

A crane catapulted her out into the crowd bringing her closer to the devoted fans who she has entertained for 50 years.

Not bad for a 69-year-old - who is back at the NIA tonight.

VERDICT: ANUJI VARMA

[Illustration]
Caption: Steamy Windows: Tina Turner performing with her troupe of dancers at the NIA.

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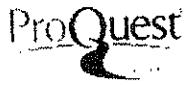

Exhibit: L
Page: 68

VISUAL

EXHIBIT

M

ProQuest

Databases selected: Multiple databases...

Motown classics featured in Owens' Tributes series

Anonymous. **The Blade**. Toledo, Ohio: Feb 5, 2009. pg. E.11

Abstract (Summary)

Influences: Motown Greats, with singer/songwriters Brandi Sellerz, Chinua Hawk, and Chris Cauley, will be presented at 8 p.m. tomorrow in Owens Community College's Performing Arts Center, 30335 Oregon Rd., Perrysburg. The early Motown music of Stevie Wonder, Aretha Franklin, Marvin Gaye and Smokey Robinson will be featured, and the three emerging artists will share stories and talk about the influence Motown had on their work. A cash bar opens at 7 p.m. Tickets are $25 and are available from the box office at 567-661-2787 or www.owens.edu/arts.

The third event in the Defiance Community Cultural Council's Time Warner Cable "Bands, Bands, Bands!" series features the Toledo Jazz Orchestra in concert at 7:30 p.m. tomorrow in the Defiance Community Auditorium on South Clinton Street in Defiance. The performances will feature the music of Count Basie with guest vocal soloist Nate Gurley. Tickets are $10 at the door and $5 in advance from the Defiance Public Library, 419-782-1456, the Defiance Development and Visitor's Bureau, 419-782-0739, and Kissners restaurant, 419-782-1116 .

The 2009 Spring Festival celebrating the Chinese New Year begins at 6 p.m. Sunday in UT's Student Union auditorium 2801 West Bancroft St. A cultural program will include dance, music, tai chi, martial arts, and much more. It's sponsored by the Chinese Association of Greater Toledo (CAGT), the University of Toledo Chinese Student Union (UTCSU) and the Chinese Center of Toledo (doing business as Toledo Chinese School).

Full Text (943 words)

Influences: Motown Greats, with singer/songwriters Brandi Sellerz, Chinua Hawk, and Chris Cauley, will be presented at 8 p.m. tomorrow in Owens Community College's Performing Arts Center, 30335 Oregon Rd., Perrysburg. The early Motown music of Stevie Wonder, Aretha Franklin, Marvin Gaye and Smokey Robinson will be featured, and the three emerging artists will share stories and talk about the influence Motown had on their work. A cash bar opens at 7 p.m. Tickets are $25 and are available from the box office at 567-661-2787 or www.owens.edu/arts.

Junie B. Jones, a musical for children, will be staged at the Valentine at 2 p.m. Saturday The one-hour show is based on books by Barbara Park. Adult tickets are $12 and $16; children's tickets are $8 and $12. Information: 419-242-2787 or valentinetheatre.com.

The third event in the Defiance Community Cultural Council's Time Warner Cable "Bands, Bands, Bands!" series features the Toledo Jazz Orchestra in concert at 7:30 p.m. tomorrow in the Defiance Community Auditorium on South Clinton Street in Defiance. The performances will feature the music of Count Basie with guest vocal soloist Nate Gurley. Tickets are $10 at the door and $5 in advance from the Defiance Public Library, 419-782-1456, the Defiance Development and Visitor's Bureau, 419-782-0739, and Kissners restaurant, 419-782-1116 .

Exhibit: M
Page: 70

The Toledo Youth Orchestra will present a Concerto Concert at 3 p.m. Sunday in the Toledo Museum of Art Peristyle. The TYO includes 100 auditioned members representing 27 schools from northwest Ohio and southeast Michigan. Winners of the TYO's annual concerto competition, Thomas Stuart, Nick Biniker, Alex Biniker, and Lee Ann Song, will be featured. The concert is free and open to the public.

The 44th annual Camp and Travel Regional RV Show will be held this weekend at the SeaGate Convention Centre, 401 Jefferson St. The show offers more than 30 exhibitors, including RV manufacturers, as well as camping accessory displays, suppliers, and information on campgrounds from neighboring states. On display will be more than 100 RV units, including motor homes, travel trailers, fifth wheels, and fold down campers. New this year are the first hybrid motor homes, fold-down campers, and travel trailers. Show hours are 10 a.m.-9 p.m. tomorrow and Saturday, and 10 a.m.-5 p.m. Sunday. Admission is $7 for adults, with discount coupons available at many banks, Kroger stores, participating RV dealers, and online at nwohiorvdealers.com. Seniors tickets are $5 on Friday only. Children under 15 are admitted free with an adult.

Puttin on the Hitz: The Great American Songbook will be staged at 8 p.m. Saturday in the River Raisin Center for the Arts, 114 South Monroe St., Monroe. From the tunes of Tin Pan Alley to the lights of Broadway, The Great American Songbook is a parade of American popular music from Gershwin, Porter, Arlen, and many more. The cast of eight singer/dancers plus a quartet of jazz musicians tells the story of the first 30 years of America's "Classic" music.

The 44th annual German-style Mardi Gras/Karneval takes place Saturday at Oak Shade Hall, 3624 Seaman Rd., Oregon. Presented by the GAF, the costume party is a German and Swiss tradition of merriment before Lent. Festivities run from 7-midnight and includes the group Spass from Detroit playing dancing music plus a royal procession, a costume parade, and German and American food.

The 17th annual Living History Show will be held from 9 a.m.-5 p.m. Saturday and 9 a.m.-3 p.m. Sunday at the Sandusky County Fairground in Sandusky.

The event features vendors and craftsmen from 11 states selling 18th and 19th-century crafts and clothing reproductions. There also will be military re-enactors, buckskinners, blackpowder shooters, and museum volunteers from a three-state area. Admission is $4 for adults. The public is invited to attend from 9 a.m. to 5 p.m. Saturday and from 9 a.m. to 3 p.m. Sunday. Admission is $4 per adult. For information call 419-878-8535.

Epic Toledo's second annual Birthday Bash is at 7 p.m. tomorrow in the Fifth Third Center Concourse at One SeaGate. EPIC stands for "Engaging People, Inspiring Change," and was formed by the Toledo Regional Chamber of Commerce in 2007 to involve younger business people in the community. The event features a band, food, a cash bar, fun and games. Tickets are $5 for EPIC members and $10 for nonmembers at the door.

Heart and Soul 2009: Caring for our Community Fund-raiser will be held from 6:30-10 p.m. Saturday at Fifth Third Field downtown on the second floor in the Suites Level Lounge. Tickets are $40 per person and include dinner and music by Ramona Collins and the Toledo School for the Arts Jazz Trio. A silent auction also is scheduled. Proceeds go toward a client resource center at Harbor Behavioral Healthcare and a "transition to stability fund" for Lucas

County residents discharged from Northcoast Behavioral Healthcare to offset the costs of basic necessities. Reservations are needed by tomorrow; call 419-479-3233 ext 1975 or go online at heartandsoul@harbor.org.

The 2009 Spring Festival celebrating the Chinese New Year begins at 6 p.m. Sunday in UT's Student Union auditorium 2801 West Bancroft St. A cultural program will include dance, music, tai chi, martial arts, and much more. It's sponsored by the Chinese Association of Greater Toledo (CAGT), the University of Toledo Chinese Student Union (UTCSU) and the Chinese Center of Toledo (doing business as Toledo Chinese School).

Admission is $5 per person, free to UT students with student ID and members of the Chinese Association of Greater Toledo.

Credit: BLADE

[Illustration]
Caption: Clockwise from above: Chinua Hawk, Brandi Sellerz, and Chris Cauley will star in 'Influences: Motown Greats' tomorrow night in Owens Community College's Performing Arts Center.

Indexing (document details)

People:	Hawk, Chinua, Cauley, Chris
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VISUAL

EXHIBIT

N

REVIEW // 'Shop of Horrors' should have stayed little

ERIC MARCHESE. **Orange County Register**. Santa Ana, Calif.: Mar 16, 2008.

Abstract (Summary)

Since 1982, the year Alan Menken and Howard Ashman turned Roger Corman's 1960 schlock-fest film into an off-Broadway musical, "Little Shop of Horrors" has become a staple for regional and community theater. Never mind that its primary special effect is a human-size Venus' flytrap plant that talks and sings; very few of the contraptions have been built. Those, apparently, are being passed back and forth between local troupes.

What plagues this "Little Shop" is pace. This is, at its roots, a comedy, with Corman's Z-grade flick as the origin. With warped, dry humor, that film breezes along for 70 minutes. Ashman and Menken retained that tone and added early '60s doo-wop and Motown music of their own, yet Frank Oz's 1986 film version of their show added a scant 18 minutes to the Corman version.

By now, everyone is familiar with the basic story: Seymour discovers a "strange and exotic" variant of the Venus' flytrap that brings him and Mushnik good luck. Dubbing it "Audrey II," Seymour soon realizes that the bigger the plant grows, the more voracious its appetite for human blood.

Full Text (778 words)

Note: Pacing drags out this staging, but cast saves the day.

Since 1982, the year Alan Menken and Howard Ashman turned Roger Corman's 1960 schlock-fest film into an off-Broadway musical, "Little Shop of Horrors" has become a staple for regional and community theater. Never mind that its primary special effect is a human-size Venus' flytrap plant that talks and sings; very few of the contraptions have been built. Those, apparently, are being passed back and forth between local troupes.

For its staging of "Horrors," Maverick Theater uses the plant puppet and basic sets it purchased from Performance Riverside, which designed and built them. The Maverick, in turn, has rented them out a few times to others, frequently retouching and repainting to keep them fresh.

To enliven the Maverick's own version of the show, Brian Newell has brought back Darren Levens, whose staging of "Urinetown" last season brought the Maverick new audiences.

Levens' normally sure hand partly fails him here, at least as far as the dialogue scenes go. He has a dynamite cast, a fine music director in Jerry Garvin (who leads the show's five-piece band) and solid choreography by Jenn Aedo.

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Maverick's "Horrors" runs nearly two hours.

And that flagging tempo puts a serious crimp into getting onboard with the play's sly, campy brand of comedy.

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Garvin and company have a terrific feel for Menken's score, but every time they go to town with it, they tend to drown out the vocalists. That's a shame, because Levens has a first-rate cast able to master both sides of the musical-comedy equation, giving this staging a quirky, offbeat charm of its own.

Shaun Leslie Thomas plays the hapless Seymour for his pathos. In the end, the unassuming little guy, who wears thick, horn-rimmed spectacles held together with strands of white tape, turns out to have a heroic soul.

The tall, leggy Kristin Meerdink, a real looker, gets laughs with her gawky, bunny-hop gait and lispy voice, her Audrey no less funny for being a brunette than the more typical platinum blonde.

As Mushnik, Christopher Spencer nearly walks off with the show with his Yiddish mutterings and sputterings, screaming at Seymour one minute, begging to adopt him as a son the next. Spencer's comic timing is superb, as are his vocal skills, and he stays in character whether singing or speaking.

Thomas and Meerdink have pleasing, pop-vocal styles, Thomas a self-effacing tenor and Meerdink an upper soprano, and she turns on the volume when needed.

By now, everyone is familiar with the basic story: Seymour discovers a "strange and exotic" variant of the Venus' flytrap that brings him and Mushnik good luck. Dubbing it "Audrey II," Seymour soon realizes that the bigger the plant grows, the more voracious its appetite for human blood.

The leads are capably backed by Stefany Mandap, Amber Snead and Erica Tirado as the Motown gal group that hangs around Skid Row, breaking into song at the drop of a hat. These hip bobby-soxers are sassy urban urchins who function as the show's Greek chorus.

David Chorley and Jared Ruth essay a total of seven roles, with Chorley most notable as Audrey's sadistic dentist boyfriend, Orin, who sports a black leather jacket and spiked hair, giggling maniacally from laughing gas. Ryan Coon gives Audrey II a booming, male Motown voice, and the giant plant is skillfully manipulated by Jeff Kievet.

As in most Maverick shows, the visual elements are noteworthy. The set features brick facades - both standard red and more soothing blue - and ornate decorative lions, partial columns and a rusted iron balcony, and Jim Book's psychedelic lighting is aptly lurid.

A toned-down volume on the band, and an injection of energy, can help this "Little Shop" cash in on an already considerable variety of assets.

'Little Shop of Horrors'

When: Through April 12. 8 p.m. Fridays-Saturdays, 4 p.m. Sundays

Where: Maverick Theater, 110 E. Walnut Ave., Suite B, Fullerton

How much: $20-$25

Length: About two hours

Suitability: Teens and adults (for language)

Call: 714-526-7070

Online: mavericktheater.com

Freelance writer Eric Marchese has covered entertainment for the Register since 1984.
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[Illustration]
Caption: FEROCIOUS FOLIAGE: Seymour (Shaun Leslie Thomas) finds that the larger his "strange and exotic" Venus' flytrap plant grows, the more voracious its appetite for human blood.

Exhibit: N
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Trial Declaration of Lawrence Ferrara has been served on counsel for Opposer UMG Recordings, Inc. through ESTTA on June 16, 2009.

/crf/
Chad R. Fitzgerald